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THE OPINIONS

OF THE

ATTORNIES GENERAL

OF THE

UNITED STATES.

AS PRINTED BY THE HOUSE OF REPRESENTATIVES IN EXECUTIVE DOCUMENT NO. 55, 2D SESSION 31st congress:

CONTAINING

I. LIST OF ATTORNEYS GENERAL.

II. LIST OF OPINIONS IN CHRONOLOGICAL ORDER.

III. DIGEST OF DECISIONS AND REFERENCES TO SUBJECTS:

(ALPHABETICALLY ARRANGED.)

IV. LIST OF ACTS CITED.

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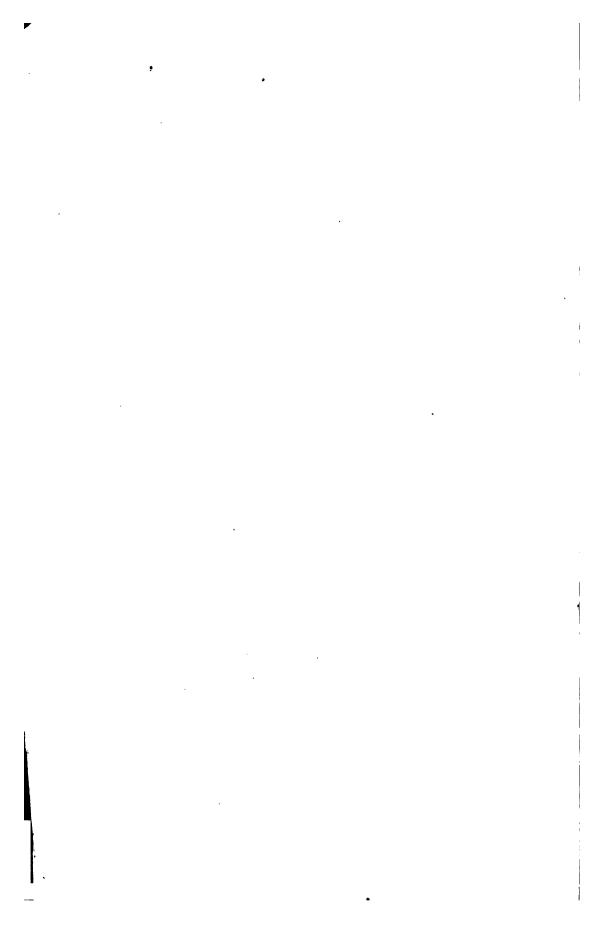
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JOHN J. CRITTENDEN, Ky., appointed March 5, 1841	1387 to	1406
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JOHN NELSON, Md., appointed July 1, 1843	1593 to	1706
JOHN Y. Mason, Va., appointed March 6, 1845	1707 to	1824
NATHAN CLIFFORD, Me., appointed October 17, 1846	18 25 to	1950
ISAAC TOUCEY, Conn., appointed June 21, 18181951 to 1992 and	2133 to	2143
Reverby Johnson, Md., appointed March 8, 18491993 to 2092 and	2144 to	2151
John J. Crttenden, Ky., appointed July 22, 1850	2093 to	2132



II. LIST OF OPINIONS,

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Where collectors, naval officers, and surveyors are required by the Secretary of the	
Treasury to perform services which are not connected with their official duties, the	
necessary expenses actually incurred in the performance of those extra duties may	1940
be allowed them	1042
can be made for any commission or inquiry, except military or naval, until special	
appropriations are made by Congress for the purpose	1538
The Secretary of War is vested with a discretion which authorizes him to allow to	1000
the sub-agent for the Indians west of the Rocky Mountains for such expenditures,	
not previously authorized, as he might have previously authorized as proper	1785
Such expenditures are not emoluments of office, but necessary expenditures for the	
public service	1785
public service	
trouble of exchanges and transportation of funds, and cannot charge for insurance,	
	2009
If they insure the amount received upon a draft to cover their liability to the Gov-	
ernment, it is for their own indemnity, for if it be lost by force, theft, hazard of the elements, or any other cause, they are responsible. The transportation is	
the elements, or any other cause, they are responsible. The transportation is	
never at the will of the Government, but always at that of the officer. Antecedent	ൈര
authority to insure cannot charge the department for a loss	65
ALLY'S PROPERTY CAPTURED	00
The arrest of the domestic of a public minister is illegal; all process, therefore, is	
forbidden, and the persons concerned in any such process are liable to fine and im-	
prisonment	10
If, however, the domestic be an inhabitant of the United States, and shall have con-	
tracted debts prior to his entering into the service of the minister, which are still	
unpaid, he is not entitled to the benefit of the act concerning crimes that gives this	
immunity; nor shall any person be proceeded against for such arrest unless the	
name of the domestic be registered in the Secretary of State's office, and transmit-	
ted to the marshal of the district in which Congress shall reside	10
The arrest is regulated by act of Congress; the entering a public minister's house to	
serve an execution, will either be absorbed in the arrest, as being necessarily asso-	
ciated with it, if that be found criminal, or, if the arrest be admissible, must be	10
punished, if at all, under the law of nations	10
A riot before the house of a foreign consul by a tumultuous assembly, requiring him to give up certain persons supposed to be resident with him, and insulting him	
with improper language, is an offence not within the act of the 30th of April, 1790,	
for the punishment of certain crimes against the United States	18
A consul is not a public minister, nor entitled to the privileges attached to the person	
of such an officer. As the law now stands, the offence in question cannot be legal-	
ly prosecuted in the courts of the United States. If, however, the grand jury will	
present the offence in that court, it will be the duty of the district attorney to reduce	
the presentment into form, and the point in controversy will thus be put in a train	
for judicial determination	18
If a foreign ambassador commit an offence in our country, it belongs to the Presi-	
dent, not to an individual citizen, to take notice of it	40
A foreign minister should correspond with the Secretary of State on matters which	
interest his nation, and not through the press of our country. He has no authority to communicate his sentiments to the people of the United States by publications	
in manuscript or print	42
A consul is not privileged from legal process by the general law of nations, nor is the	1~
French consul general by the consular convention between the United States and	
France	44
Though a consul be sued for a transaction in which he acted as the commercial agent	
of his government, the President has no constitutional right to interpose his author-	
ity, but must leave the matter to the tribunals of justice	44
The entry into a minister's garden by the agent of the owner of a slave, and there	
seizing and carrying away such slave to the owner, is not such a violation of the	
domicil of the minister as constitutes a punishable offence, under the act of Congress	
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roreign consuls and vice-consuls are not public ministers within the law of nations, or	
the acts of Congress, but are amenable to the civil jurisdiction of our courts; and in the case of the Genoese consul (2 Dallas, 297) it was held that they were	
not privileged from prosecutions for misdemeanors	264
But consuls are bound to appear only in the federal courts; the constitution and laws,	A-0 T
contemplating the responsibility of consuls, having provided these tribunals, in ex-	
clusion of the State courts, in which they shall answer	264

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Mr. Barrozo Pereira, the Portuguese charge d'affaires, was, on the 30th October, 1829 entitled to the respect and immunities of a public minister, notwithstanding the as	:
sumption of regal power in Portugal by Don Miguel, in exclusion of Don Pedro IV. Consular jurisdiction depends on the general law of nations, subsisting treaties be tween the two Governments affected by it, and the obligatory force and activity	· `
of the rule of reciprocity	ı İ
ports where the vessels shall be. They provide also, that, in cases of crimes and breaches of the peace, the offenders shall be amenable to the judges of the country The claim of the French envoy, therefore, for the exercise of judicial power by the	729
consul of his Government in the port of Savannah, is not warranted by subsis ting treaties, nor by any rule of reciprocity which the Executive has power to permi	- !
Foreign consuls in the United States are entitled to no immunities beyond those enjoy ed by foreigners coming to this country in a private capacity, except that of being	-
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America, Bank of	1240
AMISTAD. The schooner Amistad, a Spanish vessel, having cleared from one Spanish port bound to another, with regular papers and a cargo of merchandize and slaves, and whilst a	
sea, being subjected to the control of the negroes on board, by their rising upon the whites and killing the captain, his servant, and two of his seamen, and assuming command with a view to carry the vessel to the coast of Africa, but failing in tha	5
object through the contrivance of two white Spaniards who run her near to the coast of the United States, where she was taken by a vessel of the United States and sent into New London for examination and such proceedings as the law of nations war.	. :
ranted and required, and being demanded, with the negroes, by the Spanish minister under the ninth article of the treaty of October 27, 1795, between Spain and the United States—pecines that the case is within said ninth article of the said treaty, and	•
that the vessel and cargo be restored to the owners, as far as practicable, entire The President is advised to issue his order to the marshal, in whose custody the vesse	1289 L
and cargo are, to deliver the same to such persons as may be designated by the Spanish minister to receive them	1289
defrayed from the appropriation of the 3d March, 1819, in the act in addition to the acts to prohibit the slave-trade	1307
of the United States) and sold by order of the district court of the United States for the State of Connecticut and the purchaser having applied for a register—DECIDED, that he is not entitled to a register, but that documents showing the order of the	
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vice of the Senate	36
The authority of making appointments in the Northwestern Territory is expressly	
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ordinance, having common law jurisdiction from an implied power; yet as the im-	
plication does not extend beyond the three, the governor is justified in his appoint-	
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ment of all judges and officers	
tion of the Secretary of the Treasury	298
The President has power to fill, during a recess of the Senate, by temporary commis-	
sion, a vacancy that occurred by expiration of commission during a previous session	
of that body; the term in the Constitution "may happen during the recess" being equivalent to "may happen to exist during the recess," without which interpreta-	
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The subsequent nomination to and confirmation by the Senate of an appointee, during	
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Satterlee Clark having been reported by the Paymaster General to have failed in	
making quarterly reports according to the act of January 31, 1823, and having been	
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to have been issued by the order of the President, and his place having been filled by another, is effectually and legally dismissed from the army as paymaster, although	
the President has not issued any order of dismissal under his sign-manual	525
The proviso to the third section of the act of January 31, 1823, concerning restorations	
in certain cases, does not reach the case of an officer who has been actually dismis-	
sed; but is confined to those who, being in default, shall, before their dismission,	
account therefor to the satisfaction of the President	525
The commandant of the marine corps possesses no power either to appoint or to dis-	
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ferred to, contemplating nothing more than a matter occasional and transitory The power of appointing the paymaster, quartermaster, and adjutant, and inspector to	331
the marine corps when stationed permanently on shore in time of peace, belongs to	
the President and Senate by the Constitution and laws of the United States	531
The general provisions of the 24th section of the Judicial Act of 1789 confer no	
authority upon the President to appoint marshals in districts created subsequently to	
the passage of that law	646
The appointment of a navy agent during the recess of the Senate, made in the case	
of a vacancy occurring during the recess, is in the exercise of the constitutional power of the President, and not by force of the act of the third of March, 1809; and the cons-	
titutional limitation of such appointment is to the end of the succeeding session of	
Congress, unless it be sooner determined by the acceptance of a new commission	
under an appointment made by and with the advice and consent of the Senate	699
Where a new commission is accepted, it supersedes the old one; and the four years pre-	
scribed by law as the official term of the appointee, must commence to run from its date	699
The bonds taken under the first commission ceases to have effect when the commis-	coo
sion terminates	699
A commission issued by the President during a recess of the Senate, continues until the end of the next session of Congress, unless sooner determined by the President, even	
though the individual commissioned shall have been meanwhile nominated to the	
Senate, and the nomination rejected	701
The acceptance of a new commission, after confirmation by the Senate of an appointment	
made during a recess, is a supersedeas of that granted on the original appointment.	701
The President has power, during recesses of the Senate to fill vacancies that may hap-	
pen to exist in the subordinate offices of the Government, and is not limited in its	006
exercise to those which occur during recesses	826
necessary to the current operations of the Government, should always be full; and	
that, when vacancies happen, they shall not be protracted beyond the time neces-	
sary for the President to fill them	826

The Attorney General concurs in the opinion delivered by Mr. Wirt, October	Page.
22, 1823, (412.). The Senate cannot originate an appointment; its constitutional action is confined to a simple affirmation or rejection of the President's nominations; and such nominations fail whenever it disperses to them.	826
fail whenever it disagrees to them	
In the case of John R. Coxe, jr., nominated for lieutenant in the navy from date, confirmed, with the qualification that he shall take rank next after Lieutenant Elisha Peck, a commission cannot properly issue	
The President and Senate, by nomination and confirmation, may correct the date of military appointments even after as great a lapse of time as that which has occurred in the case of Captain Twiggs	
It is not a breach of official duty on the part of collectors to refuse to report their reasons for removing their subordinate officers	
move their subordinates without consulting the Secretary of the Treasury though the approbation of the latter be necessary to an appointment	1183
ed by the collector of customs at the same port, with the approbation of the Secretary of the Treasury, to act as markers. The practice that has prevailed in this respect since 1922 is erroneous, as the act of	
that year does not forbid the assigning to inspectors this duty	
nomination, with consent of the Senate, his new appointment commences from the period of any official act indicating his acceptance of the office, whether it be a direct communication to that effect, or his taking the oath of office, or his giving a bond.	1352
The Constitution authorizes the President to fill vacancies that may happen during the recess of the Senate even though the vacancy shall occur after a session of the Senate shall have intervened	1418
The Executive power of removal from office, as indicated in the argument of Mr. Madison, delivered in the first Congress, drawn from the character of Executive power and Executive responsibility, and from the irresistible necessity of the case, has been according to the case, has been	1410
acquiesced in by the whole country	
It is an absolute and tremendous power incidental to the Executive of the Government, who is only responsible to the country for a breach of the solemn trust No person can be appointed to the office of permanent inspector of customs, except	
with the approbation of the Secretary of the Treasury	1577
the Secretary of the Treasury; and that no one shall be appointed unless approved by him	1577
in the President, heads of departments, or judicial tribunals; and it has vested the power of appointing inspectors of customs in the Secretary of the Treasury	1577
permanent inspectors proceeds from the Secretary, and is his act, and not that of the collector	1577
see opinions of Attorneys General Wirt and Berrien, and the case of Marbury vs. Madison, in 1st Cranch's Reports, 137, 155	1577
the Secretary of the Treasury; but the Secretary of the Treasury has the power, in a proper case, to displace an inspector without the consent of the collector But as the collector's opinion has been required in putting inspectors in, and that officer has been uniformly consulted in putting them out, it is too late to act on the	1578
The Executive Department, being charged with the duty of seeing that the laws are faithfully executed, has authority to appoint commissioners and agents to make in-	1578
vestigations required by acts or resolutions of Congress; but it cannot pay them, except from an appropriation for that purpose	1633

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A purser in the navy appointed during a recess of the Senate, and his nomination sent	
to the Senate at the commencement of the next session thereof, having continued to hold his office under the appointment until the close of such session, was legally in	-
office on the first day of January intervening, and is so to be regarded under the	
provisions of the act of the 4th of August, 1842. A nomination to supply any de-	
ficiency existing in point of numbers, as fixed by said act, may now be made in	
respect to that particular grade of officers	1682
The act authorizing the construction of a dry-dock at Brooklyn, containing no provision for the appointment of purchasing and disbursing agents, the authority to	
appoint them rests on the act of 3d March, 1809, permitting the President, during	
the recess of the Senate, to appoint such temporary agents as may be needed	1704
But agents for the purchase and disbursement of supplies for the dry-dock at Brooklyn	
must be regarded, in contemplation of law, as permanent officers, to whose nomina-	
tion the sanction of the Senate is necessary at its session next after the making of a	1704
temporary appointment	1704
of the Senate, for newly-admitted States, when the offices were created and took	
effect during the session of that body	1710
If vacancies are known to exist during the session of the Senate, and nominations are	
not then made to fill them, they cannot be filled by the Executive during the subse-	1710
quent recess	1710
judiciary, for it will not be presumed that Congress intended that the means of ad-	
ministering the law should be held in abeyance until other officers should be ap-	
pointed	1710
The district attorney may, therefore, proceed with the business of the United States	1710
in the existing courts	1110
appointment was devolved upon him by the act of 2d July, 1836, which happen to	
exist during a recess of the Senate	1815
Even though the vacancy occurred before the session of the Senate, if that body, during	
its session, neglected to confirm a nomination to fill it, the President may fill it by a	1915
temporary appointment; and public considerations seem to require him to do so There is no authority for the appointment of an architect and superintendent for the	1010
building of the wings of the Patent Office, directed to be constructed by the civil and	
diplomatic appropriation bill for the present fiscal year, conferred either by that or	1000
any other existing law	1999
Interior, was unauthorized, and should be revoked	1999
Where several midshipmen had been dismissed by the sentence of a naval court-mar-	
tial, which was approved by President Taylor, who afterwards reconsidered his ap-	
proval, and announced his determination to restore them, but failed to do so before	
his death, it is within the competency and power of the present Executive to restore	
them to their former rank in the Navy, provided it can be done without increasing that class of officers beyond the number limited by law	2103
The authority of the Secretary of the Interior to supervise the Patent Office, compre-	
hends the power to appoint such temporary clerks to be employed therein as shall be	
authorized by law, and to cause their salaries to be paid out of any money appropri-	
ated for that purpose	2119
tendency of, and subject to the control of the Secretary of the Interior, in the ap-	
pointment and payment of such clerks; and his authority is the same, whether the	
money disbursed be appropriated from fees or from the agricultural or any other	
The Desident of the United States is not only invested with outhouter to somewathe	2119
The President of the United States is not only invested with authority to remove the Chief Justice of the Territory of Minnesota from office, but it is his duty to do so if	
it appear that he is incompetent or unfit for the place	2122
it appear that he is incompetent or unfit for the place	
and commissioned by him, by and with the advice and consent of the Senate,	
where the Constitution has not otherwise provided, by fixing the tenure during good	
behavior, has been long since settled, and the same has ceased to be a subject of controversy or doubt	
The power is reposed in the President in order that he may enforce the execution	
of the public laws of the country through the agency of competent and faithful	
subordinate officers	2122
The case of General Gratiot, who was dismissed the service by order of President Van Buren, upon a report of his defalcation by the Secretary of War, cannot	
be now reconsidered	

Appointments, etc., (continued.)	age.
An officer in default cannot save himself from dismissal by rendering quarterly accounts. He is required not only to account, but to pay; and a default in either	0146
subjects him to dismissal. The decision of the President, in such cases, is final.	
APPROPRIATIONS. The Secretary of War may pay to a beneficiary, under an act of Congress, the amount	
directed to be paid to a pensioner from the general appropriation for revolutionary pensions for the current year; although the amount was not contained in the estimate on which the general appropriation was made	705
was appropriated, and that an erroneous addition of said items produced no effect	1946
upon the law The President does not possess the power to order any portion of a specific appropriation for the mileage and pay of members of the House of Representatives to be transferred to the contingent fund of that body	
	1541
Since the passage of the act of 1842, the President has no power to direct transfers in the Navy Department, of moneys appropriated to one particular branch, to the ac-	
count of another branch of expenditure	
ral head of appropriation left unaffected by the previous clause	1675
It applies only to appropriations for specific and local objects, from which the act inhibits any diversion	1675
The President may, if he deems it conducive to the public interest, direct transfers	
of appropriations from the branch of expenditure of incidental expenses of the Quartermaster's department to the other branches of barracks, quarters, &c., and	
of transportation of officers' baggage	1711
Congress having taken from the executive departments the power to transfer appropriations from one head of expenditure to another, the Secretary of the Navy cannot apply any portion of the money appropriated by the act of 17th June, 1844,	
for books, maps, charts, and instruments, and for binding and repairing the same for the hydrographical office, to the building of a house for the superintendent The appropriation for repairs, improvements, and new machinery at Harper's Ferry	1754
armory, passed September 8, 1846, cannot, nor can any portion of it, be applied to the purchase of the lands described in the estimate made at the Ordnance Office	1822
of lands, Congress saw fit to specify the purpose for which it granted it, among which the purchase of lands is not included	1822
nebago Indians to be transferred to meet expenses in the Department of the Interior, for which the appropriation is inadequate, or for which none has been made.	2000
Nor can the head of the department find sufficient authority in the act of 26th August, 1842, to authorize him to make such a transfer	2000
The power given by that act is limited to transfers within the same bureau, and to	
appropriations for such objects as are enumerated in its 22d section	2000
partment or office	2112
The 23d section of the said act is not a temporary, but a permanent enactment, and limits transfers by the heads of departments to the surplus of appropriations, whilst	
the power conferred upon the President extends to entire appropriations	2112
This opinion was given in approval of an elaborate argument of the First Comptroller	
of the Treasury, wherein the subject of executive authority over appropriations for the different objects of expenditure is fully discussed	2 112
The 23d section of the act of 26th August, 1842, is a permanent enactment, and au-	
thorizes the transfer and application of the surplus of appropriations, standing to the credit of the War Department, to supply the deficiency of appropriation for preventing and suppressing Indian hostilities.—(See opinion of the 26th instant,	
given to the Secretary of the Treasury, p. 2112)	2113

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cation of the surplus of appropriations, standing to the credit of the War Depart-	
ment, and not transferred by the Secretary of the Treasury to the general account of	
moneys not appropriated, to supply the deficiency of the appropriation for pre-	
venting and suppressing Indian hostilities	2118
And such transfer will not conflict with the 1st article, eighth section, and twelfth	
paragraph of the Constitution of the United States, nor with the 16th section of the	0110
act of 3d March, 1795	9198
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Armed occupation of Florida. (See Live Oak.)	1738
ARMISTRAD. GENERAL	1020
, C. L	1832
Thomas, Thomas	2049
Armstrong, General John321,	397
ARMY.	•
When inferior officers or soldiers who think themselves wronged complain to the	
commanding officer of a regiment, he ought to summon a regimental court-martial to inquire into the truth or falsehood of the complaint, and decide thereon; but,	
as its authority extends no further than a court of inquiry, the rules and practice	
of such courts should, in general, govern the proceedings	102
As it rests in the discretion of the President in what cases he will exercise his military	
authority over the citizens composing the army, to constrain them to surrender them-	
selves to the civil authority of the States, the propriety of adopting, by analogy,	
the principle of the Constitution relative to the surrender of fugitives by the Gov-	
ernors of the States, applying the details of the act of Congress of the 12th Feb-	
ruary, 1793, respecting fugitives from justice, is suggested	487
The 33d article of the rules and articles of war, under which this application is made,	
does not cover this case	487
Although the subordination of the military to the civil authorities of the country, is an	
axiom with this Government, it was never intended to place the military entirely at the mercy of any individual who may choose to call for their surrender	487
If this were the case, the military operations of the Government might be weakened,	401
impeded, or obstructed, whenever an individual, from private resentment, political	
intrigue, or worse motives, should choose to interfere with those operations	487
The office of Paymaster General was covered by the act of 15th May, 1820, and is not	
affected by the subsequent act of the 2d March, 1821	498
Generals by brevet are not authorized to appoint aides-de-camp	907
The Adjutant General of the army, under the act of the 2d March, 1821, may hold at	
the same time the office of adjutant general with the rank of colonel of cavalry, and	
that of major of the 2d regiment of artillery	907
With certain qualifications indicated in this opinion, it is the duty of officers of the	
Quertermaster's Department to make disbursements on account of the militia when	0.50
called into the service of the United States	952
of the United States from bringing actions to recover damages in State courts,	
for assaults and batteries committed on them by non-commissioned officers within	
the limits of the fort	1299
Until the passage of an act by Congress authorizing the enlistment of aliens into	
the military service of the United States, such enlistments must be regarded as	
invalidinvalid	1416
Whether the State courts have jurisdiction in any case involving the validity of an en-	
listment discussed; and a reference to the Federal tribunals recommended in all such	
matters, with a view to the avoiding of unpleasant and dangerous conflicts of doc-	
trine and jurisdiction	1416
By the laws regulating contracts for service in the regular army, all enlistments are	
required to be for the term of five years; and no discretion has been conferred to contract for such service either conditionally or for a shorter term	1995
Wherefore, enlistments cannot be lawfully made upon the condition that the soldiers	1023
are to be discharged at the end of the war with Mexico, &c	1825
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The act of 24th April, 1816, authorizing certain charges for forage, for horses, servants,	

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&c., for certain officers, is prospective in its operation, and refers only to the act of 3d March, 1813, for a standard to govern the subject in future	. 304
The Surgeon General is entitled to an allowance for fuel and quarters, the same a	
other officers of the army	
21st and 22d sections of the act of 16th March, 1802	404
ting the pay of battalion and regimental paymasters, and providing that they shal receive the pay and emoluments of major, may be taken to mean a major of in	l -
The per diem allowance made to officers for travelling expenses, by the act of 16th March, 1802, is confined to officers travelling to and from courts martial, and is no	
authorized to be paid to those who are travelling on other business	
staff duty, is entitled, by the act of 2d March, 1827, to an additional ration	620
ence to the pay and emoluments of any specified rank in the line of the army, they must be taken to refer to the infantry unless otherwise expressed	624
Extra rations are properly issurable to officers commanding at posts in the ordinary military acceptation of that term, and to those to whom, by special order of the President, they have been or may be directed to be issued	:
President, they have been or may be directed to be issued	626
Graduates of the military academy employed in the office of the assistant adjutant gene ral are doing staff duties, and are entitled to the additional ration allowed by the ac	
of the 2d March, 1827, to the captains and subalterns of the army	3
regulations by the department The commissions given to the district paymasters of the army of the United States em	. 8 5 0 -
ployed in making payments to the militia ordered into the service of the United States during the preceding year are to be calculated only upon the sums respectively.	
tively paid by them in the performance of their duty. They are not to be calcula ted upon moneys received and paid over to other public officers, also acting as pay masters and agents of the Government	- . 892
The pay of military officers may properly commence from the date of their acceptance as they are liable to duty from that date. But neither in cases of new offices not	•
transfers from one corps to another can it commence until the appointee is subject oduty	. 90 3
1827, and are entitled to only three rations per day when in the performance of ordinary duties, and six when in command of a post, with a right to double rations	•.
Sergeants of the army employed as assistant clerks in the bureaus of the War Department, are entitled to the additional compensation of fifteen cents per day allowed by	
The extra compensation and allowances given by the regulations in force at the time of the passage of the act of the 3d of March, 1835, were authorized by law	948 1091
The eighth section of the act of the 2d of March, 1821, was enacted as a permanent provision; and, as it has never been repealed nor abrogated, is yet in force	t
The payment of army contingencies is authorized by law; and as Congress have not defined in the law itself, what those contingencies are, the Secretary of War must be	
admitted to possess a very liberal discretion on the subject	1021
tingencies, they were authorized by law	1021
advice of the Senate, cannot claim pay after reinstatement only from the date of his acceptance of the new commission.	1035
The word "compensation" occurring in the act of July 4, 1836, is synonymous with "pay" or "salary" and does not include rations. The act, therefore does not include the double rations heretofore allowed by the regulations	
The proviso of the act of the 3d of March, 1835, inhibiting the payment of per centage to officers of the army for any service or duty, unless authorized by law, is a perma-	:
nent provision and cannot be avoided, except by an express enactment: wherefore, a commission cannot now be allowed to Paymaster Kirby, on moneys paid out by	
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Non-commissioned officers and soldiers, enlisted after 10th December, 1814, as well as before, on the proper certificates, are entitled to a bounty of three hundred and twenty acres of land; and minors, bringing themselves within the requirements, are enti-	
tled in like manner as those of full age	
mute the bounty land for half-pay	
bounty land, provided the enlistment was for five years, or during the war Land warrants, by the laws of Virginia, are not mere chattels; but are regarded as a kind of inchoate title to lands, and descend to heirs	175 200
A land warrant held in the right of a feme covert, must be assigned by her with her husband, in order to transfer it	200
Military bounty land warrants to Canadian volunteers, under the act of March 5, 1816, are not assignable. Such warrant, when fraudulently obtained, may be cancelled so as to prevent its use for any mischievous purpose	210
The Canadian volunteers may locate lands for which warrants have been issued to them by attorney, the same as others, similarly entitled, have been accustomed to do	275
Since the acts of Congress under which troops were raised in the late war were con- strued so as to permit of the enlistment of colored men; and since recruiting officers recruited them on a contract for the pay and bounty stipulated by law; and as the	
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The provisions of the 1st section of the act of May 20, 1826, are not limited to war-	664
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Bountr Lands, (continued.) der act of 1790, excepting resolution warrants under act of 1800, and were required by the act of 1807. The act of 1812 establishing the General Land Office, transferred to it the supervision of the military land warrants. The act of 1815 revised the act of 1807, and made the certificate of the Secretary of War again necessary. The act of 1818, as to land warrants, revived the act of 1807, as do those of 1823 and 1831. The act of 1826 does away the distinction between resolution and other warrants, revives the provisions of the act of 1807, and again placed the matter under the Secretary of Var, as it was prior to the act establishing the General Land Office. The several acts of the 3d March, 1819, of May, 1824, and of 24th May, 1828, authorize the correction only of the entries of lands by purchasers for money paid. The act of 1826 does away the distinction between resolution and other warrants, revives the parties nominating, and to heirs of lands by purchasers for money paid. The several acts of the 3d March, 1819, of May, 1824, and of 24th May, 1828, authorize the correction only of the entries of lands by purchasers for money paid. The act of 1826 does away the distinction between resolution and other warrants, revives the correction of the surrant lands and the proof of the sirahip, and the parties nominating, and to heirs on due proof of the parties, and not on the proof of heirship, gains, should When issued to the heirs or assignees, and not to executors nor administrators for it is to be considered as belonging to the rently. Soldiers enlisted to serve for the term of five years in the war of 1812, and who were honorably discharged before the expiration of their term of service, in consequence of having furnished accepted substitutes, are entitled to one hundred and sixty acres of land, even though the substitutes may have deserted. Warrants and patents for bounty lands should issue to the applicants really entitled to them, notwithstanding warrants and patents may have er	Parron Tarra (antiqued)	Do ma
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ment as may be made in the case of a sum of money from the Government to one of its debtors	Virginia land scrip is so far representative of money as to be subject to the same	003
Land scrip issued pursuant to the act of the 30th of May, 1830, for the relief of certain officers and soldiers of the Virginia line and navy, must be made out in the names of the persons prima facie entitled to it	equitable deductions in case of indebtedness to or frauds committed upon the Govern- ment as may be made in the case of a sum of money from the Government to one of	
tain officers and soldiers of the Virginia line and navy, must be made out in the names of the persons prima facie entitled to it	its debtors	9 89
sued, and they shall claim the same in hostility to the parties originally entitled, the scrip, if delivered at all, ought to be delivered to the parties originally entitled, their heirs, devisees, or other agent or agents, as contradistinguished from persons claiming interests, as assignees or otherwise by contract	tain officers and soldiers of the Virginia line and navv. must be made out in the	1000
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their heirs, devisees, or other agent or agents, as contradistinguished from persons claiming interests, as assignees or otherwise by contract	sued, and they shall claim the same in hostility to the parties originally entitled,	
But where the Department sees that the just claims of other persons will be liable to be defeated by such delivery of the scrip, it may lawfully suspend the actual delivery until claimants can have time to apply to a court of equity for an injunction; and, if it be procured, to retain the scrip until the rights of the parties can be judi-	their heirs, devisees, or other agent or agents, as contradistinguished from persons	1000
livery until claimants can have time to apply to a court of equity for an injunction; and, if it be procured, to retain the scrip until the rights of the parties can be judi-	But where the Department sees that the just claims of other persons will be liable to	1030
and, if it be procured, to retain the scrip until the rights of the parties can be judi-		
The Treasury Department may suspend the issuing of all or any portion of the scrip	and, if it be procured, to retain the scrip until the rights of the parties can be judi-	1090
	The Treasury Department may suspend the issuing of all or any portion of the scrip	1030

BOUNTY LANDS, (continued.)	age.
claimed on a warrant issued for a greater number of acres than may appear to be	
due, until the true amount can be ascertained	1034
section of the act of May 30, 1830, is now in force	1129
Land scrip issued in satisfaction of military bounty land warrants must be regarded as real estate, and to go upon the death of the holder to the heirs-at-law, and not to	
the executors and administrators	1221
Scrip may be issued on a Virginia land warrant dated subsequent to September 1, 1835, in cases where it shall appear that such warrant is not an original one, but	
was only issued in place of one issued improvidently to wrong heirs prior to Sep-	
tember 1, 1835, and concelled by Virginia, as it is in the nature of an exchange warrant, and may be treated as if issued within the time provided by law	1300
The heirs of Captain Kirkwood, who entered the revolutionary service in the Dela-	
ware regiment, in the year of 1776, and continued in service until the end of the war, are entitled to scrip on a warrant issued for three hundred acres of land on	
account of his services, whether they were properly entitled to scrip on a warrant	
for four thousand acres issued by the executive of Virginia or not	1338
and of Virginia, such of the troops from other States as were, in the course of the	
war, attached to the Virginia State establishment, and continued in service to the end thereof, were entitled to the same bounty from Virginia as if they were origi-	
nally raised in that State	1338
In case the Secretary of the Treasury shall have any good reason to believe that such warrants have been issued in error or mistake, he may suspend the issue of scrip;	•
or, if issued, cause measures to be taken to have it cancelled	
An administrator has no right to demand land scrip under the act of May 30, 1830 The administration law of Georgia has nothing to do with lands lying without the	1492
limits of the State which are governed by the lex loci	1492
Discharged soldiers who have once elected to take treasury scrip instead of bounty lands, and have obtained the requisite certificate therefor from the Commissioner of	
Pensions, cannot afterwards be permitted to surrender such scrip and obtain a war-	14300
The act of 11th February, 1847, gives to the soldier but one election; and when that	1893
is made known, it becomes the duty of the department to conform to it by issuing	1000
the evidence of the claim, which completes the proceeding	1893
and soldiers serving in the war with Mexico, does not authorize locations of land	
warrants upon lands the price of which is fixed at two dollars per acre, by the act of 3d March, 1846	1939
The provision allowing bounty lands to the soldiers was intended to operate on the	
public lands which are subject to sale at the minimum price	1939
out having been wounded or sick, were honorably discharged by General Taylor,	1040
are not entitled to bounty lands under the act of 11th February, 1847	1942
titled to bounty lands from the government, are equally entitled with the brothers	100=
and sisters of the whole-blood to receive such bounty, or the money in its stead The act makes no distinction between relatives of the whole-blood and those of the	1967
half-blood	1967
A soldier who enlisted into the army in 1846, for the term of five years, and served until April, 1849, when, in consequence of the reduction of the army after the termi-	
nation of the war with Mexico, he was honorably discharged, against his own wish-	
es, is entitled to the bounty land provided by the 9th section of the act of 4th February, 1847.	2037
The 9th section of that act embraces those of the regular army enlisted for twelve	
months or for a longer period; volunteers regularly mustered into a volunteer com- pany, who served during the war, and have been honorably discharged; those killed,	
or who died of wounds received or by sickness incurred in the course of their ser-	
vice; and those who were discharged before the expiration of their term of service, in consequence of wounds received or sickness incurred in the course of their service.	2037
The entire portion of the marine corps, whether they served on ship-board or land, on	
the Mexican coast or in the interior, in the Mexican war, are to be considered, with- in the true meaning of the resolution of the 10th of August, 1848, as having "served	
with the army in the war with Mexico," and are entitled to the bounty land and	00.40
other remuneration which that resolution provides	2042
should be carried, in the account, to the credit of the government; or, when not re-	0049
ceived, should be released	#U1#

Bounty Lands, (continued.)	age.
Soldiers entitled to bounty lands under the act of 11th February, 1847, but who have	
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The act provides only for witnesses "summoned in court, attending in court;" and	276
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Not being required by the laws defining their general duties to attend State courts, nor	000
upon judges out of court, if their services are called for therein, or on other spe- cial occasions, and the fees taxed them in such State courts cannot be recovered, or	
are inadequate, they should be paid a fair compensation out of any moneys appropria- ted to the special objects in reference to which the services were rendered, or, in	
some cases, out of the judiciary fund usually provided in the general appropriation	
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Marshals have no control over the practice of the courts, nor over the kind of process which they may issue; they are simply bound, as officers of the courts, to execute	1298
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accounting officers	
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ernment for the year 1841, was designed to reduce the fees of the federal officers whose compensation by existing laws exceeds \$1,500 per year, to the scale of fees allowed by law for similar services in the highest State courts. To give effect to this previous the several officers embracel within it should accept	
To give effect to this provision the several officers embiaced within it should ascertain, as far as practicable, whether all the fees, emoluments, and receipts of their office, as allowed under anterior laws, will make their entire compensation exceed the sum of \$1,500 per annum; and if it be reasonably certain that they will, the offi-	
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by the same person	1565
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ers of circuit courts, the courts themselves may fix the rate. Where rates have not been fixed, the amount may be asccertained by a reference to the local law of the State providing for similar services by local magistrates	1624
Proceedings under the several acts of Congress before these commissioners in behalf of the United States are properly chargeable to the United States, and, being so, ought to be allowed and paid	1624

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and costs for defending the collector at the port of New York in cases in the State	!
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against him to recover back duties paid under protest, and was adjudged by the cir-	
cuit court to be entitled to receive his fees and disbursements for such service from	
the United States—HELD, that the same should not be included in his official return	
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district attorney	
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The district attorney for the eastern district of Pennsylvania is not entitled to extra	•••
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ing post offices. District attorneys residing in Louisiana and other States, whose legislatures have	2.00
omitted to provide any rate or scale of fees for legal services in their supreme courts,	
are nevertheless entitled to a reasonable compensation for their official services; and	
as it has been the practice of the treasury, in such cases, to allow bills of costs ac-	
cording to the rates certified and taxed by the judges for district attorneys in neigh-	
boring States, as reasonable, when certified by one or more prominent members of	
the bar, such usage may be continued until Congress shall otherwise determine	1766
Baylie Peyton, the district attorney of the eastern district of Louisiana, is therefore	2.00
entitled to compensation for official services rendered in civil and c. iminal suits in	
the circuit court of his district	1766
A district attorney is not required by law to attend a State court; and where he is	2100
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ment, he is entitled to be allowed a reasonable compensation for his services	1809
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ter General, instituted several suits against toll-gate keepers and others, to enforce	
the penalties prescribed by the 9th section of the act of the 3d March, 1825, for	
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passengers conveyed in the mail coaches, and a nolls prosequi was subsequently	
entered by direction of a subsequent Postmaster General in every case, - DECIDED,	
that the said district attorney is fairly entitled to compensation from the United	
States for the services rendered	2054
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The late district attorney in Louisiana is not entitled to extra compensation for at-	_
tending to certain suits instituted against the United States in his district	2104
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to appear and defend the United States in the suits in question; and whatever	
fees or compensation he is entitled to for the services, must be taken and consider-	
ed as part of the fees and emoluments of his office, as provided in the act of 18th	
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of May, 1842	
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The sanction of the Navy Commissioners to the excessive salaries erroneously given	
does not give the clerks who have received the excess a right to retain it	865
Where the Navy Commissioners had employed a clerk at a stipulated sum, less	
than a maximum allowed by the act of 1818, and the difference between the	
maximum and the amount actually paid, drawn in his name and paid over to	
other persons, who have since been required to refund it to the treasury, and the	
said clerk comes forward to demand it—HELD, that he has no claim to the moneys	
thus refunded	872

Compensation in the Executive Departments, (continued.)	age.
The salaries of three clerks only in the General Land Office were fixed in the act re-	•
organizing it. All the residue, including the messengers, are entitled to the per-	
centage granted by the act of 3d March, 1837	1094
May, 1836, are entitled to the increase of salaries provided by the enacting clause	
of the third section of the act of the 3d March, 1837	1086
The word "" rate" of compensation, as the same is employed in the act and resolu-	1000
tion of 1812, to define the compensation of the superintending clerk of the Census,	
construed to mean the sum paid: and a claim for a greater amount, on the ground	
of an increase of typographical matter, rejected	1469
The person appointed Secretary of the Treasury ad interim has a claim upon the	
government for the usual, or, if there be no usual, for a reasonable compensation	1,550
for his services in that capacity. But an appropriation is necessary	1990
ment, and Repair, are entitled to the pay of the chiefs of those bureaus whilst	
acting as such, under authority of the President; but they cannot receive the pay	
of chiefs and clerks at the same time	1682
of chiefs and clerks at the same time	
the clerks employed in the census office, provided that such increase does not	
raise their salaries above either the compensation usually paid for similar servi-	
ces, nor above the sum of one thousand dollars per annum	2126
These restrictions and limitations are explicit and peremptory; but subject to them	
the power of the Secretary of the Interior is discretionary	2126
An acting Secretary of State, or of any other department, is not entitled to the salary	
provided for the incumbent whilst the office is filled and the salary received by an incumbent duly nominated and appointed by the President and confirmed by the	
Senate	2141
If the duties of an office belong to an incumbent who receives the salary affixed to it,	~
another officer performing those duties is prohibited from receiving therefor any	
another officer performing those duties is prohibited from receiving therefor any compensation whatever.	2141
Since the act of 1842 no officer whose pay is fixed by law or regulation is lawfully	
entitled to any additional pay, extra allowance, or compensation, in any form	
whatever, for any other duty or service, unless the same shall be authorized by	
law, and the appropriation therefor explicitly set forth that it is for additional pay,	2141
or extra compensation	2141
There is no act of Congress warranting the practice of the government in paying for-	
eign ministers, and the consuls to whom salaries are given, a quarter's salary after	
they have presented their letters of recall	790
The Executive will pay to the widow of a consul, having a salary, who has died in office	
abroad, upon her return, the amount which it has been customary to pay to consuls	
themselves upon their recall, viz: his salary for three months	824
The funeral expenses of the deceased consul, and the incidental and contingent ex-	
penses of the consulate after his death, are a fair item of charge on the fund for the	824
contingent expenses of foreign intercourse	UAT
of consul which are recognized by the government, he may receive the compensa-	
tion fixed by law for such services	824
tion fixed by law for such services	
Simpson, and Hodgson	824
In the case of William M. Blackford, charge d'affaires to Bogota, who was superseded	
in office whilst within the United States on leave of absence, and who, on settle-	
ment of his account with the executive department, asked to be credited the usual infit of three months salary—peciped, that such infit cannot be properly allowed	
him without special authority from Congress	1763
(See opinion of Mr. Taney, in the case of Shaler, given November 30, 1831.)	
It is the duty of the government to provide a way to make the salary and expenses of	
a minister abroad good to him at the capital of his residence	1804
If a minister be directed to draw on London for his salary and expenses, and there	
shall be a loss on the sale of his bills, it is the duty of the government to make such	1004
loss good to him	1004
Mr. Wise, the American Minister at Rio, having suffered a loss on his bills thus drawn on London, is entitled to indemnity	1804
Compensation of Postmasters.	1001
. The act reducing the rates of postage upon letters, &c., transported in the public	
mails, passed March 3, 1845, provides against embarrassment in the mail service on	
account of deficiency in its revenues, by placing funds at the disposal of the Post-master General, to which he may resort in cases of necessity	
master General, to which he may resort in cases of necessity	1729
•	

Compensation of Postmasters. Pa	ıge.
This fund should be applied to the purposes for which, and in the spirit for which, it was appropriated, viz: to supply any deficiency which might be actually ascertained, and which might threaten to defeat the objects of the establishment, subject to	ġ
the proviso that the expenditures for the Post Office Department shall not, in the aggregate, exceed the annual amount of four millions five hundred thousand dollars, exclusive of salaries of officers, clerks, and messengers of the General Post	
Office, of its fund for contingencies	729
in the former affects, to its full extent, the amount which the Postmaster General may expend under the latter	729
The appropriation is the primary fund for the compensation of postmasters; but, as that is from anticipated revenue only, any deficiency thereof that may happen in consequence of the reduction of postage may be made up from the fund thus provided	799
The several acts of Congress, regulating the compensation of postmasters, invest the Postmaster General with authority to allow them commissions on all moneys by	
them respectively collected in each quarter of the year	
The amount that may become due to Great Britain for postage on British letters collected in the United States, under existing postal arrangements with that government, cannot be abated by the amount of compensation which shall be allowed to	,100
postmasters	130
Compensation of Superintendent of Indian Emigration. The same individual having been appointed, under the act of 30th June, 1834, a su-	
perintendent of Indian emigration at a stipulated salary, and afterwards a commis-	
sioner to negotiate a treaty with the Miamies at a per diem compensation, cannot, under the 30th section of said act, receive but one compensation during the same	
period1	307
COMPENSATION OF TERRITORIAL OFFICERS. The salaries of the governor and judges of Arkansas Territory did not commence	
	199
are to be paid until the State shall have been actually admitted into the Union by	
the proclamation of the President	079
but are not payable until they reach the territory and enter upon their official duties	2144
duties 2 Compromise Tariff 1505, 1	515
COMPSON, JOHN	1268
CONDEMNATION OF PRIZES—See Prizes.	210
Conditions.	
The United States cannot divert land granted for the express and single purpose of a light-house site, to any use wholly unconnected with the object of the grant, with-	
out violating the spirit and terms of the cession	207
A furlough granted to a sailing-master, on condition that he should relinquish from that date his pay and emoluments as a naval officer, until further orders, is absolute; the	
condition being void in law	386 1825
See also Pardons220,	314
Congress.	
The sixth section of the act of 1789 provides that the compensation which shall be due to the members and officers of the Senate shall be certified by the President	
thereof, and the same shall be passed as public accounts and paid out of the Treas-	
ury; and the certificate of the President, which is the presumed act of the Senate, is conclusive upon the matter as between that body and the accounting officers 1	1410
The certificate of the Presiding officer of the Senate is conclusive evidence in support	
Under the first section of the act of 22d January, 1818, the Secretary of the Senate is	2066
entitled to credit for payments made to Senators for mileage, whether the certificate of the Presiding officer be conclusive or not	2066
See also Contracts	1500
Consent of parties—see Courts Martial	249 193
· Antennation of the fact of the fact of a canal	

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CONSTRUCTION OF STATUTES. The accounting officers have the right to adopt the reportupon which a given law was reported and passed for the	e principles which are to go	v -
ern in the settlement of accounts under the law. The ping a written report, may be considered the adoption. The report of a committee accompanying a bill which has referred to a great but the President, whilst exercising here.	of that reports passed into a law, may l	389 be
referred to as well by the President, whilst exercising haccounting officers in their examination of the accounties to govern settlements under such law	nts submitted, for the princ	ci- 389
last act and the former		6 03
Acts of Congress should be so construed as to render the tive, and in accordance with the intent of the makers of	of the law	681
Acts in pari materià are to be considered as one law; an and of the 6th January, 1829, are such statutes for all t	he purposes of this inquiry	7. 6 81
Technical rules of construction ought never to be applied should be construed liberally according to their spirit, a all the advantages and facilities in their removal which	and so as to give the India	in
templated	• • • • • • • • • • • • • • • • • • • •	787
Acts of Congress containing no provision as to the time winto effect upon their receiving the approbation of the		
In general, the law does not notice fractions of a day; growing out of deeds, judgments, and other instrument	s bearing the same date, a	re
concerned, the precise time of approval may be inquire operating retrospectively		
A proviso touching the duties of postmasters, to make ret from boxes, contained in a general appropriation bil	urns of emoluments received il, to take effect at the con	ed n-
mencement of a fiscal year then future, to be considered a of its passage		
See also	1161, 1246, 1786	5, 1814
See also	10, 18, 26, 82	4, 2047 659
Contracts.		. 000
Where contracts for supplies for the army contain the clin case of deficiency, by the commanding general or person appointed by the commanding	son appointed by him at eac	h
the post or place is the person authorized to supply the Where the commandant at a post anticipates a failure	e deficiency	. 166
furnished, he may make provision for them before the fa	ailure absolutely occurs; ye	t,
the contractor is not liable for them until the failure t whether they were purchased previously or subsequer		
time upon which the responsibility arises		. 166
If a general had a right to draw supplies from a place out through the enemy's country, he was bound to furni through that country. If the case were one of real and	sh an escort from that plac	ce
tractor had a right to an escort; and, if it were not furn	ished, he is exonerated from	m.
the contractor is not liable to pay for rations furnished i	in case of his failure, excep	ot
such as may be furnished by the commanding general, at the post or place where the rations were stipulated to		
The contractor to build a light-house at the mouth of the able for the failure of the foundation, unless the choice	Mississippi is not answe	r-
self		240
Contracts for rations which provide that supplies for cert six months in advance, require a supply of six months' perpetually advancing point of time, but only in advan	rations not in advance of	a
which the supply is required to be placed at the post.		. 252
The distinction made in the department between rations daily issues, has no warrant in the army contracts; is create it in such a way as to affect the bearing of such	in deposite and rations for nor can any military orde	er
provisions only, called a supply of rations for a spet those are to be issued by the contractor; and in case t	cified time, is required, an he commandant of the po-	rd st
where they are to be furnished, makes an order for mo disposition of them than the contract provides, it is in-	re rations, or for a different operative upon the question	nt n
of the contractor's legal obligations under the contract, government from payment	but does not exonerate th	ıe .
If the contractor for supplies for daily issues shall be requ		

Course and Joseph Courting 1	D
a specified number of rations for a specified time, the government must either con-	Page.
sume them or pay for them; for the requisition is an assurance on the part of the government that the rations are necessary and will be consumed and paid for This opinion decides various questions arising out of the peculiar circumstances of	25 2
the case upon which the questions arise	2 52
Where an assignee of a government contracts to build a fortification, executes a bond to the government, with sureties, conditioned that he fulfill the original contract, he and his sureties are as much bound to the performance of the original contract, as they would be in the case of a contract wholly original	26 1
of the act of 21st April, 1808, it forbids all contracts between officers of the govern-	406
ment and members of Congress	100
mischief to be prevented	406
Where the government agreed with Messrs. Ward & Taylor, army contractors, to furnish a proper store-house, in which the provisions were to be deposited from time to time and kept, and that they should suffer no loss for the want of it; and where provisions furnished under such a contract at Fort St. Philip were in a temporary building outside the fort, on the margin of the river and exposed to	
its overflowings, and were destroyed by flood—MELD, that the government was liable. The public interest requiring that American seamen should not be discharged abroad, nor set on foreign shores in foreign ports, where they may be tempted to enter into foreign employment, to the loss of our service, the government has given instruc-	749
tions to commanders to send home their discharged seamen at the expense of the	700
United States. But where a merchantman received a seaman on board, for the purpose of bringing him home, and brought him only half the way, when he voluntarily left, the captain cannot justly claim full pay for the voyage, but only a compensation for the dis-	
tance he did bring him	
purchases are ordinarily made between individuals	648
entered into and made by or under the direction of the Secretary	648
It is an incident to the general right of sovereignty for the government to enter into contracts not prohibited by law and appropriate to the just exercise of those powers.	648
(United States vs. Tingey, 5th Peters, 127)	866
signated by the vendors, and an order given by the packers for it, is in the United States; and, if it be there destroyed, the loss must fall upon the government	
By the act of 1815, which repeals all other acts coming within its purview, the colo- nel, or senior officer of the Ordnance Department, under direction of the Secretary of the Department of War, may make contracts for the supply of ordnance without	, ;
previously advertising for proposals	1100
tion of the Secretary of the Navy	
structure	1258
Where immediate delivery is necessary to the wants of the public service, the article required must be obtained by open purchase	1258
Where a contractor for certain specified rations for the army, to be delivered at a particular place, including a certain ration of distilled liquor, was, after the execution of his written contract, directed by the War Department to furnish an additional ration of liquor to the troops on fatigue duty—nello, that he had the right to elect in respect to the price to furnish such ration under his contract, or to de-	•
mand the fair market value thereof at the time and place, &c	
the principle, the accounting officers are required to do so likewise in their settle- ment of the account	•.

Contracts, (continued.) The person entitled to the printing of the Treasury Department; generally, under the	Page.
late biddings, should execute all the printing required by it, whether on paper or parchment, notwithstanding the error of the clerk in erroneously stating to the bidder	
for parchment that his bid for the printing of it was accepted	1279
the appropriation of the Chickasaw fund made by the act of the 20th of April, 1836, even though some of the Indians did not avail themselves of the means furnished to	1041
remove them	1341
from damages	1391
ought not to be withheld by the government on account of such non-performance. A partnership, of which a member of Congress is a member, cannot, under the act of	1391
1808, enter into a contract with the government; but, if he withdraw from it, the contract may be concluded with the other partners	1500
Since the act of the 3d of March, 1843, the Secretary of the Navy is not competent to renew a contract which has expired, without advertising, as is required by the first section of that act; nor is it competent for the department to pay to the contractors upon forfeited contracts the ten per cent. reserved as collateral security, whether the	1000
same has been reserved on original or renewed contracts	1656
gatory, notwithstanding such infancy, unless the infants themselves should take measures to avoid them	1691
The sureties to a contract made by an infant are clearly bound for his faithful performance of the contract; for, though the infant may excuse himself on the ground of his non-age, the privilege is personal to himself, and cannot be made available as a de-	1601
fence by them	
livery, or any other of its material elements	ے 1691
fully contract for the United States except under a law authorizing it, or making an appropriation adequate to fulfil the engagement	1866
Wherefore, the Secretary of the Navy cannot lawfully contract for the construction of dry docks at Kittery, Philadelphia, and Pensacola, and bind the government to pay therefor an amount exceeding the appropriations already made for that object, as the	
same has not been specially authorized	1866
dient that the construction thereof should progress as far forth as may be practicable, the Secretary of the Navy may expend so much of the appropriation as may be ne-	
cessary in purchasing sites and materials, with a view to their completion under the future direction of Congress	1866
future direction of Congress	
newspaper, to any part of the printing	2036
in shall be made equal to the others as to frequency	2036
pose, the law has been fully complied with, and the claim of the proprietor of the National Era cannot be sustained	2036
Contracts for building steamers at Pittsburg, and furnishing engines therefor, are to be construed according to their obvious meaning, independently of any antecedent	
contract between the same parties, or to any orders, written or verbal, any officer of the United States may have given concerning them, before they were entered into.	9052
Where the Government entered into a contract with an individual for removing the Miamies, estimated at six hundred and fifty souls, from Indiana to the country as-	2033
signed them west of the Mississippi, and to subsist them, &c., for the sum of fifty-	
five thousand dollars, upon condition that should the number be greater or less there should be neither addition nor reduction of the amount, and that he should not use	
any force to compel them to emigrate; and the said contractor, pursuant thereto, removed and subsisted three hundred and eighty-four of the Indians, being all who	
were found willing to emigrate—DECIDED, that the said contractor has entitled him- self to the whole sum stipulated for removing and subsisting the tribe	

Bounty Lands, (continued.) Soldiers entitled to bounty lands under the act of 11th February, 1847, but who have	Page.
not received warrants therefor, cannot dispose of their rights to such land or scrip	
by will. The statute expressly directs, in cases of the death of soldiers before their warrants shall have issued, that they shall be issued in favor of, and enure to, the benefit of their families or relations, according to certain rules of priority; and further provides that the land shall not be in any wise affected or charged with, or subjected to, the payment of any debt or claim incurred by such soldiers prior to the issuing of such certification.	r t - -
tificates or warrants	. 2140 . 1819
BOURIE, JOHN B	. 1688
Readwood Lawre	. 661
Brandly, Abraham	1795
BREACH OF BLOCKADE	. 1210
There is no act of Congress now in force which recognises any such office as that of	f
brevet major of marines	. 227
The act of 3d March, 1817, fixing the peace establishment of the marine corps, not	:
having retained any majors in service, the brevets theretofore conferred were thereby	
made to cease with the termination of the lineal rank of majors by commission Generals Gaines and Scott being major generals by brevet, and brevets being recognised	
in the act of July 6, 1812, which has been continued in practice since the return of	
peace, and having commands according to their brevet rank, are entitled to the pay of	f
major generals	. (42
Whether General Macomb is entitled to the brevet pay of brigadier general, depends	3
upon whether he has a command according to his brevet rank. But, what a command according to brevet rank is, the law does not decide; but the same is left to be	
determined by the regulations of the army	356
The opinion of the Attorney General of the 29th December, 1821, was founded on the	;
act of the 16th of April, 1818, and the army order of the 8th of May following,	
founded thereon and giving construction to it. The repeal of the section of the act of the 2d March, 1821, which sustained the army order, removes one of the grounds	
upon which it was suggested that Generals Scott and Gaines were in command of	
divisions, and leaves that fact to be settled by the Department of War	
If they are in command of divisions according to the arrangement of troops on the	
peace establishment, they are, nevertheless, by force of the act of the 16th April, 1818, entitled to the pay and emoluments of their brevet rank	368
Captain Wainwright, of the marine corps, having served ten years in the grade of cap-	
tain, and having applied for brevet promotion under the act of 16th April, 1814, the	,
question is presented, whether, since the act of 3d March, 1817, fixing the peace	
establishment of the marine corps, and abolishing the office of major in the same,	
the President can confer the brevet of major at all? and if so, whether it should not be the brevet of major in the army?—HELD, that the only brevet rank of major	
which the President can confer, is that of brevet major in the army of the United	!
States	376
If it shall be deemed expedient to confer upon a captain of marines the brevet rank of	
major in the army, then he is entitled, if entitled at all to promotion, to the brevet	
rank of lieutenant colonel in the marine corps	
with a separate command, comprising troops of different corps, at a particular post.	
The provisions of the act of July 6, 1812, authorizing the President to confer brevet	:
rank on such officers of the army as shall have served ten years in any one grade	
apply to brevet officers generally, and such as have been brevetted for gallant ser-	426
The service actually rendered for ten years in any one grade, being the ground of pro-	
motion, any officer performing it for that term, whether he holds the grade by	
commission or by brevet, is entitled to promotion	426
For the views of the Attorney General at length on the subject of brevets, he refers	FOR
the Secretary of War to his opinion given April 5, 1824	527
be one of the meritorious grounds for a brevet, (if there be no practice to the con-	
trary,) must be a service for ten continuous years	527
trary,) must be a service for ten continuous years	
mand him, it merely authorizes him to confer brevet rank in certain cases, and the	
cases are within his sound discretion to say whether the gallant actions, meritorious conduct, and the service of ten years in one grade, have been sufficiently important	
to deserve the mark of distinction	527
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COURTS-MARTIAL, (continued.) war, may try and sentence to suffer corporeal punishment, marines who have desert-	Page.
The President of the United States has the power to order a new trial before a court- martial where, in his opinion, the court erred on the first trial in excluding proper	117
testimony	149
own motion	149
of it so as to bar a trial	149
been ordered by the President	149 189
As to the perspicuity and precision of the charges, if the description of the offence is sufficiently clear, to inform the accused of the military offence for which he is to	189
be tried, and to enable him to prepare his defence, it is sufficient	103
the execution of a sentence of death is murder, unless the court pronouncing it consisted of thirteen commissioned officers, where that number could have been convened without manifest injury to the service. (See 64th article of Rules and Ar-	
No sentence of a naval court-martial, held within the United States, can be carried into effect until confirmed by the commander of the fleet, in which the offence oc-	191
curred, or by the officer ordering the court	199
martial as to substitute a milder punishment in its stead	211
limited by the articles of war. Courts-martial did not have jurisdiction over cases of disobedience of the governor of New York, concerning the quota of ninety-three thousand men which he was invited to raise by the circular from the War Department of the 4th of July, 1814, for the reason that it was no violation of any existing law of the United States, nor of the orders of the President.	248 308
Where a general naval court-martial has been ordered and the names of the officers and supernumeraries to compose it are set forth in the warrant, and, by reason of the non-attendance of one of the officers on the first day, a supernumerary takes his place, and the court, thus organized, proceeds to business, the absent member cannot properly, thereafter, be added to the court upon his arrival, until the case	456
on trial has been disposed of, if at all	456
to be superadded at all to a court which has been once legally organized The rule of law that no evidence shall be given against a prisoner except in his presence is a personal privilege which he may waive	456 462
If the consent be given that depositions of witnesses abroad may be used on the trial, the point of time at which the consent shall be expressed will not affect the compe-	100
tency of the testimony	462
ging the testimony offered in support of the prosecution	668 668
out special leave; and then the prisoner should also have leave to rejoin	668
may approve, reject, or mitigate the same at pleasure	668 668
of the sentence	000

Coputs-Martial, (continued.)	Page.
Where the warrant for the court is special, and where there shall be a specification of the persons to be tried and the changes made accompanying a general warrant,	
the court need not be re-sworn after its organization	675 675
martial to pronounce	
is punishable at the discretion of the court	675
court-martial shall see proper to inflict; and any punishment that shall be according to the laws and customs in such cases, at sea may be adjudged	675
to officiate as members of naval courts-martial	675
By the 63d article of the rules and articles of war, a court-martial to try Lieutenant Miller should be composed of officers of the army and of the marine corps	685
It is not competent for courts-martial to dispense with the attendance of witnesses before them and to receive depositions taken out of court, when the officer prefer-	
ing the charges objects	706
jurisdiction	706
It is irregular for a member of a court-martial who has been absent during a portion of the trial, and who therefore did not hear the witnesses testify, to take part in	
whether the oaths of members of courts-martial may be considered to apply to all the	753
cases that come before the courts where the warrants specify them, or where the cases are properly indicated	783
If it has been the usage since that opinion was given for members of courts-martial	100
to take the oath but once, and the practice has been sanctioned by the government, it has been a sufficient evidence of the construction of the law by the authority	
competent to expound it	783
under the orders appointing them, their sentences are not invalid for that reason The discretion vested in officers appointing courts-martial being merely directory to	832
the officer appointing the court, his determination whether more than five members can be convened without manifest injury to the service, is conclusive	832
Courts-martial may receive testimony illustrating the actual degree of the offence	\$
where the accused shall have pleaded guilty and the punishment shall be discretion- ary, and especially where the discretion includes a wide range and a great variety of	
punishment, and the specifications do not show all the circumstances Judges advocate of courts-martial are required to be sworn; and where the proceed-	902
ings of such courts do not show that they were, it may be properly considered that	
the fact does not exist, and that they were not sworn, and that, therefore, the proceedings were irregular and void	1231
The accused may be put upon another trial; but not before the same officers who constituted the first court	1231
It is wholly inadmissable under our government to place the military above the civil authority; and, therefore, whilst the latter shall have the custody of an officer of	
the navy for the purpose of trying and punishing him for a homicide, he cannot	1077
The Executive will not set aside the proceedings of courts-martial merely because	1211
they have admitted the testimony of negroes or made other mistakes, though objected to, where it appears, upon the whole case, that justice has been done and	
that the verdict is substantially right	1316
It is a fatal error in proceedings before courts-martial for the president to omit to ad- minister an oath or affirmation to the judge advocate before proceeding to trial	1330
It is error in proceedings before courts-martial to receive evidence after the court has been cleared for deliberation	1330
In the case under consideration, where the jurisdiction of the court was called into question on account of the early date of the enlistment, the record ought to have	
contained authentic evidence of the terms and period of the enlistment, that the	1000
revising officer might judge whether or not the court had jurisdiction It is not sufficient to return the inferences or conclusions of courts-martial, nor mere	1330
statements of the evidence, or books or papers inspected; but the evidence itself	
on which they based judgment must be returned	1000
of a certain act of Congress, in cases where the record is so defective	1330

	Page.
with a caption styling the accused "master-at-arms," and discharged him on the	
ground that since his arrest he had not been borne on the ship's books as such,	
and that the charge could not at that stage of the trial be revised—HELD, that the decision was erroneous, and that those grounds were insufficient to deter the court	
from proceeding to judgment on the merits	1339
The sentence pronounced by the court-martial in the case of Lieutenant Whitney is	100~
not illegal nor unconstitutional, but severe and harsh, under the circumstances	1390
There is no doubt of the competency of the evidence of the prosecutor before a court-	
martial; but how far his credibility may be affected by the relation in which he	
stands towards the accused, is a question of discretion for the court itself	1444
The prosecutor may, after giving evidence, remain in court to conduct the prosecution. (2d McArthur, p. 53.)	1444
The plea of autrefoi acquit, averring a former trial and acquittal for manslaughter in	1111
the supreme court of a State, and that said charge was sustained only by the same	
evidence as must be used to sustain the charge for violating the eighty-eighth arti-	
cle of the Rules and Articles of War, is not a bar to the proceedings to punish	
unofficer-like and ungentleman-like conduct	1467
accused can be brought to trial before the court-martial which, two years before, had issued an order for his trial, and suspended its execution under peculiar cir-	-
cumstances, quere	1467
As to whether a member of a court-martial, who participated in the proceedings of	
the same at the commencement of its sitting, but who, from sickness, had been	
unable to attend during the trial of the whole case, could afterwards, on recover-	
ing his health, resume his seat again as a member of the court without a new pre-	1470
cept issued, should be decided, according to the settled practice in such cases As the practice has been to regard the member thus situated as disqualified, the ex-	14/2
ecutive department should be governed by the precedents established	1472
If, during the pendency of a trial before a court-martial, one of its members fall sick,	
and is thereby disabled from sitting with the court for several days, the remain-	
ing members may adjourn the court from day to day until he be able to attend	
with them again to complete the trial	1479
The President may direct a naval court-martial to reconsider their judgment in cases where his previous sanction is necessary for the execution of such judgment	1490
A sentence of dismissal from service, approved by the President, cannot be annulled.	1100
·The officer dismissed can be restored only by a new nomination by the President,	
the confirmation of the Senate, and all the requisites to constitute an original ap-	
pointment to office	1651
Even though the proceedings of the court-martial were fregular, if the sentence of	
dismissal were pronounced, approved, and carried into effect, there is no means	1651
of reviewing it	1001
by the President. After the lapse of thirty-five years the Executive will not look	
into the particulars of the trial on an allegation that it was irregular. If there	
were irregularities in the trial, they should have been alleged before the sentence	
The effect of a continue of a court mential augmenting for these years when held now	1562
The effect of a sentence of a court-martial suspending for three years upon half-pay a lieutenant of the marine corps, and ordering a reprimand by the Secretary of the	-
Navy, is to suspend half the officer's pay from the date of the confirmation of the	
sentence forward during the term of three years. Until the confirmation, he is enti-	
tled to receive full pay, as before trial	1683
The authority of a naval court-martial to affect by its sentence the pay of an officer	1000
subject to its jurisdiction, is conferred by the act of 23d April, 1800	1683
Specifications of charge known to the Secretary of the Navy, by whom a naval court- martial was ordered, when former charges against the accused were prepared	
by him before another and a distinct court, upon a different and distinct matter,	
may be tried before a subsequent court-martial, together with other charges not	
previously known	1742
The inhibitions contained in the 38th article of the Rules and Regulations for the	
government of the navy, apply only to courts-martial ordered on the application of persons other than the Secretary himself	1740
As the sentence of a naval court-martial dismissing an officer from the service cannot	117%
be executed except with the approbation of the President, and as he possesses the	
power to revise, to pardon, and to mitigate a sentence, he may substitute a milder	
punishment for that decreed by the court	1756
In mitigating a sentence, he may substitute a suspension for a term of years without	
pay, for an absolute dismissal from the service, as suspension is but an inferior de-	1750
gree of the same punishment	T190

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The authority of the President to mitigate the sentences of courts-martial, in cases where he deems the punishment unnecessarily severe, does not extend to the substi-	
tution of another and a milder punishment for that decreed by the court He cannot suspend the pay of an officer under sentence of a court-martial, whose pay	1764
was not suspended by the court	1764
severity, except as in cases of sentences of death, where there is no degree The President has ample power to mitigate the sentences of courts-martial, by com-	1764
muting sentences of dismission from the service to suspension, without pay or emoluments for a limited time.	1978
Hence an assistant surgeon of the navy, who was dismissed by a court-martial for disobedience, neglect of duty, and disrespect to his commanding officer, but whose	
sentence was commuted to suspension for twelve months without pay, is not entitled to pay during the period of such suspension	
As dismission deprived the officer of his pay forever, the suspension of office and his pay for one year only is an inferior and a milder degree of the punishment decreed	
by the court	1978 1978
See also	
A court of record, within the contemplation of the acts of Congress, is a court expressly made so by the law of the State which creates it; which has been solemn-	
ly adjudged by the tribunals of the several States to be so; which proceeds according to the course of the common law, with a jurisdiction unlimited in point of	
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The moneys received from the sale of reservations located for Creek orphans, under the treaty with the Creeks of March 24, 1832, were properly brought into the treasury, and may be drawn out for investment or payment whenever the President	
shall direct	1124
It is not the duty of the Executive to pay over the moneys appropriated in the 3d section of the civil and diplomatic appropriation bill of 1848, to the Creek nation of Indians, except on the condition that said nation shall first execute a full discharge of principal and interest on account of the sum of two hundred and fifty	
thousand dollars	1980
The unauthenticated instructions presented by the Creek delegation who demand the money, do not authorize them to receipt for what they do not receive	1980
As this claim has been once paid by the United States to the State of Georgia, and Congress not having recognised the obligation to pay it to the Creek nation, except upon the condition of having a certain release in advance, it is the duty of	
the Executive to be strict in exacting the receipt and proof required before any part	1980
of the money shall be paid	
appear that the chiefs and headmen who have executed it are in fact the chiefs and headmen of the Creeks, and constitute a majority of their national council	1 9 93
The power of attorney authorizing Joseph Bryan to receive certain moneys from the United States for professional services rendered in prosecuting the claim of the	
Creeks, is sufficient for its purpose if it appear that it was executed by those chiefs and headmen who had authority to execute such an instrument	1993
Creeks, may be paid to the chiefs and headme of that nation, upon their executing a release in full for all claims for principal and interest on account of the	
emigration of thirteen hundred Indians, &c. Had Congress intended to exact a release from individual Indians, they would have doubtless expressed that intention	
in the law	2006 2006

	age.
The whole matter in controversy having been, by articles of agreement, annexed to	
the treaty of the Indian Spring, referred to the President of the United States, to be	
by him decided, adjusted, liquidated, and settled, in such manner and under such rules and regulations as he should prescribe, and President Monroe having taken	
upon himself the responsibility of causing proof to be taken and of making an	
award in the premises, the said award must be regarded as final and conclusive	
therein; and that the power of the President over the subject is functus officio	5 53
The source of these claims of the people of Georgia was wrongs done by the Creek	
nation to them prior to 1802, consisting partly in the destruction of their property	
and partly in the seizure, carrying away, and detention of other property, such as	
negroes, horses, &c. but by the several treaties, agreements, and the award of the	220
President, they have been disposed of	553
destroyed prior to the date of the treaty of Colerain; but they had for property	
destroyed between the date of that treaty and the 30th March, 1802, so far as the	
same was not satisfied under the provisions of the act of Congress of the 19th	
May, 1796, to regulate trade and intercourse with the Indian tribes and to preserve	
peace on the frontiers, and the act of March 3, 1799, under the same title, subject	
to any set-off for claims of the same description within the same period which the	
Creek nation might be able to establish on their part, and which were not satisfied	250
under the provisions of the said acts	553
to have heen delivered up	553
It is the opinion of the Attorney General that interest on the sums which were certi-	
fied by the commissioners ought not to be allowed	553
Payment of the claims of the citizens of Georgia under the Creek treaty of 1821, and	
the law concerning them passed June 30, 1834, may be made by the President to	000
the State of Georgia for the use of claimants	938
gis to settle and adjust these claims, and may impose any limitation or restriction	
he may judge reasonable on the receipt of claims, so as to bar any which may not	
have been presented either to the proper authorities of that State, or to the persons	
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CREOLE.	1013
A ship entering the port of a friendly nation, with slaves on board, is not by the law	
of nations, responsible to the local authorities of that nation, so long as the slaves	
remain on board, notwithstanding, &c	1533
In the case of a compulsory entry of a foreign port, under an overruling necessity,	
the enforcement of the municipal law of that nation having jurisdiction over the	
port, to the subversion of the authorities and rights guarantied by its own country,	1592
is not in any respect justifiable	1000
another, she is not subject to the municipal law of that other, so far as concerns any	
penalty, prohibition, tax, or incapacity, that would otherwise be incurred; provi-	
ded she do nothing further to violate the municipal law during her stay .—(2 Coke's	
Inst., 57; 1 Rob., 243; 5 Rob., 27; 1 Chitty, Com. Law, p. 245)	1533
CRIMES AND OFFENCES AGAINST U. S.	
The bringing away of slaves from Martinique, the property of residents there, may	
be piracy, and depending upon the precise place of its commission, may only be an offence against the municipal laws	11
The government may instruct the attorney for the district of Georgia to prosecute the	11
offenders criminaliter, as far as the law will permit, having in view the restitution	
of the negroes to their true owner; and if that fail to restore them, to issue civil	
process with the approbation of the owner or agent	11
A citizen of a neutral State who, for hire, serves in a neutral ship employed in con-	
traband commerce with either of the belligerent powers, is not liable to any	
prosecution for so doing, by the municipal laws of his own State; nor is he pun-	
ishable personally, though taken in the act, by that belligerent nation to whose detriment the prohibited trade would operate	33
It is a misdemeanor to plot and combine to disturb the peace and tranquility of the	50
United States, and to draw them into a war with a foreign nation	42
It is treason for a citizen or other person, not commissioned within the United States, to abet France during a maritime war with her	
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CRIMES AND OFFENCES AGAINST U. S., (continued.) Citizens of the United States, who aid a nation with whom we are at war on the high	Page
seas, against the United States, are guilty of treason	49
The entry into a minister's garden by the agent of the owner of a slave, and there seizing and carrying away such slave to the owner, is not such a violation of the domicil of the minister as constitutes a punishable offence, under the act of Con-) !
gress of April 30, 1790	86
No act can be made an offence against the United States, except by a law of Con-	133
gress	13 3
Forgery, as an offence against the laws of the United States, is confined to certain specific subjects, such as certificates, indents, public securities, bank notes, and checks, &c. Perjury is limited to depositions taken pursuant to some law of Congress; and bribery and corruption of a justice is not punishable by the laws	•
of the United States	1 3 3
name of the United States will lie to recover it back	133
Prosecutions for false swearing may be sustained in the courts of the United States against persons who shall have made false affidevits or affirmations before judicial officers of the United States, or State officers generally authorized to administer oaths, for the purpose of supporting claims, although the particular law under	
which the claims are made are silent on the subject	944
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CUMBERLAND ROAD. The superintendent for construction and repair of the Cumberland road may be al-	
lowed to disburse funds committed to his care, by turning over the same to offi-	
cers employed under him; yet he must be held personally accountable at the treasury for the correct disbursement thereof	1058
Where a question concerning a doubtful allowance has been submitted to Congress,	1000
and an actual appropriation made by that body of the precise amount, there can be no valid objection to the payment	1079
By force of the act of 3d March, 1837, modifying that of July 2, 1836, the question whether the work in each State on said road shall be executed continuously or not, is left to the discretion of the Secretary of War; except that in the exercise	1010
of his discretion, he must observe the last provise of the act of 3d March, 1837	1 23 5
CURRENCY—see Funds receivable.	
Cusrom House bonds, (see Dabis of the United States) Cusroms, collectors of—(see Collectors, Compensation)	0014
, expenses of collecting	2016
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DABOLL'S ARITHMETIC	346 1021
Damages. Where a vessel alleged to be Danish property was seized as French property, on the south side of the island of St. Domingo, and, whilst waiting examination under	,
the protection of the American flag, was seized by a British armed ship and taken into Jamaica, and there condemned, and a claim made by the Danish subject upon the Government for compensation, it was decided that the first captors were not liable for the first capture, and detention long enough for examination, nor for the	
second capture; and that the Government of the United States is not bound for the unlawful capture of its subjects	62
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DANCING RABBIT CREEK TREATY	1238
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DESTORS OF THE U. S.	•
The President has no power to discharge public debtors imprisoned on maine pro- cess; but only debtors imprisoned on execution, at the same time requiring the	
judgment to remain good, to be satisfied out of any estate then, or afterwards, belonging to the debtor	147
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Justin Aller Continued.	rage.
Where the estate of any deceased debtor, in the hands of executors or administrators, shall be insufficient to pay a'l the debts due from the deceased, the debt due the United States shall be first satisfied, (act of 3d March, 1797;) but whether the	
United States have priority over mortgages executed on land of the debtor, whilst	000
a debtor of the United States, quere	269
ample it may be, a payment of a debt due the Government	386
of preference of the United States, even though the preference be founded on a	400
subsequent act of insolvency	402
States have preference over a prior judgment on the lands of a debtor in case of subsequent insolvency	402
The late collector at Savannah being indebted to the Government, and the amount of	402
such indebtedness being reported by the district attorney below that standing against him on the Treasury books, an action at law should be brought against him	
for the apparent balance due the Government	418
The pay of an officer in the navy cannot be stopped on account of a balance due the Government from an estate of which that officer is the administrator	441
It is not consistent with the relation between the Government and its officers for the former to make itself a creditor of the latter without their consent, and to detain	
their salaries in the discharge of debts so acquired	441
rant of distress issued from the Treasury Department, by the letter of the act of	
3d March, 1817; yet where the debtor will confess judgment, and will submit to a capias thereon at once, and to be thereby brought within the description of the	
act, the President may legally discharge him	667
the time the sums in default were committed to them	684
Public debtors in the naval service of the United States are entitled, notwithstanding the act of 25th January, 1828, to receive the rations allowed them by law, or the	
amount in money for which they may be commuted	757
means persons who were in a state of known insolvency, manifested by some no-	-
torious act of bankruptcy on or prior to the 1st of January, 1831	777
house bond, will discharge the other or others, unless the latter execute a proper instrument preserving their liability	777
Application must be made, and the oath or affirmation necessary, must be taken, not	
by an attorney, but by the debtor himself	777
the meaning of the priority acts in order to be entitled to relief. It is sufficient that they are unable to pay their debts to the United States	844
Neither the act of 1831 nor of 1832 deprives debtors of their right to relief where	
they fail to place the United States upon equal footing with the rest of their creditors. All persons who are unable to pay their debts to the United States may be	
released, provided they are not of that class who are excepted from the benefit of these laws	844
The Secretary of the Treasury may, in his discretion, refuse a discharge on account	
of circumstances taken in connection with the application of the property of debt- ors to their private creditors. He may have evidence that renders them unfit sub-	
jects for relief. But the application of all of the debtors' effects to the payment of private creditors is not of itself a legal bar to their release	844
Where the lessee of the lead-mines at Galena, and holder of a smelting license, had become indebted to the United States in a certain amount of lead for rent reserved.	
to be paid to the superintendent, and deposited in a store or warehouse, for the use	
of the United States; and the account was placed in the hands of Major Campbell for collection, who, instead of confining himself to that duty, took an assignment	
of the mineral ashes, and proceeded to smelt them, under the belief that he would, be able to pay the rent due the Government and indemnify himself for a debt due	
him from the lessee, from whom he subsequently took a conveyance of the leased	
and smelting premises, and all his other property in trust, and then returned the account as paid, and thus became himself accountable to the Government as re-	
ceiver, and afterwards delivered the lead, which was mingled with other lead in the warehouse; and, finally, apprehending loss from the transaction, applies to	
me a mercane and analy afternament and more me attended to	

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have the loss refunded by the superintendent—HELD, that there is no authority, except in the legislative department, which can afford Major Campbell relief	888
Where one of two partners had given bonds with sureties to the United States for duties on merchandize imported by the firm upon which there was subsequently found to be due the sum of \$30,000; and deeds of trust to a third person were af-	
terwards executed, conveying, among other property and claims, a certain debt	
due the firm from the government of Naples on account of the seizure of a schooner and cargo in which they had an interest, which, under the convention with the	
King of the two Sicilies, had been awarded to them, and now claimed and de- manded by the trustees under the deeds of trust, they alleging that the debt of the	
United States for duties had been extinguished by the taking of the bond of one	
partner with sureties—HELD, that, notwithstanding the decision of Judge Washington in the case of the United States vs. Astley & Brooks, the debt remains	
against the firm, and must be first deducted from the amount awarded to them be- fore payment can be made to them or their assignees	956
It is suggested, however, that this case does not turn on the point settled in the case referred to, but that the deeds of assignment expressly treat the debt in question	
as the debt of the partnership; and that even if the legal liability of the partner- ship were technically extinguished by the bond given, the partners are neverthe-	
less bound, in foro conscientiæ, to provide for the debt	956
The United States have the right to retain moneys awarded under the French treaty of 1831 to a firm, of which one member is indebted to the government upon a bond	
for duties on goods imported for the firm, and to apply the same upon the bonds. (See case of the United States vs. Lyman, 1 Mason, 482.)	1074
The Solicitor of the Treasury may grant indulgencies upon custom-house bonds, in the form of instructions to district attorneys who shall have received them for pro-	
secution, in such cases and on such terms as shall be deemed advantageous to the United States	1130
And, although the Solicitor has no jurisdiction of bonds until they are placed in the	1100
hands of district attorneys, he may, in proper cases, give the instructions condi- tionally in advance as to the course to be pursued	1130
Where imprisoned debtors are discharged on payment of costs, it is to be inferred that the condition embraced only the costs of suit in the cases in which they were	
imprisoned	1376 1376
Where a receiver of public moneys at Kalamazoo received in payment for public lands the notes of a specie-paying bank that afterwards suspended specie-pay-	
ments, and then took from the bank a draft on another bank which was returned	
dishonored; and a receiver of assets having been appointed under the laws of Michigan, with whom the receiver of public moneys filed a claim for this debt—HELD,	
that, notwithstending the acts of the latter, the legal priority of the United States to payment still exists	1384
No preliminary demand of payment is necessary to put in default a postmaster who omits to pay over the public funds in his hands at the expiration of each succes-	
sive quarter of his service, and no proof of such demand having been made is requisite to the sustaining of an action against him	1670
The opinion imputed to Judge Wells cannot be sustained DEBENTURE CERTIFICATES.	
The collector of customs ought not to refuse payment of a debenture certificate, and in lieu thereof give credit on the extended bond where the party to whom the cer-	
tificate may have been issued, received an extension of payment on bonds given	
to secure the duties on a subsequent importation of goods; nor where the certificate came into possession of the party by endorsement or assignment	1151
MRS. Susan Decatur. As there was a joint resolution passed for the relief of Mrs. Decatur on the same	
day of the passage of the act for the more equitable administration of the navy pension fund, she must elect under which she will take, for but one pension can	
be allowed her	1099 791
De Hautville Delapield, Captain	248 947
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The claim of Peter D. Deluzieres for a patent certificate is a case for the action of a judicial tribunal, or of Congress, and not for that of the executive department	539
DEMAND OF PAYMENT	1670

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Demopolis Female Academy	1271 1159
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Depositories.	
Where deposites of the public moneys were solicited by the President of this bank,	
and granted to it upon certain conditions, and the sum of \$214,808 56 thereby	
placed in jeopardy, if not beyond recovery, the Attorney General is called upon to advise concerning the course of procedure to be adopted to insure a thorough in-	
vestigation of the affairs of the bank and the occasion of its default	519
The resolutions of the stockholders and directors, by which the debtors of the bank	
were permitted to discharge their debts by a transfer of the stock of the bank, ren-	
der such transfers a nullity and leave such debts still due, and a part of the fund	
to which the creditors of the bank have yet a right to look for satisfaction of their	519
The best remedy is a bill in equity, to be filed in the name of the United States against	313
the individuals who were the president and directors of the bank in the years 1819,	
1820 and 1821, and such of the stockholders during these years as appear to have	
had any instrumentality in perpetrating this wrong on the United States, or who	
have been benefited by the wrong of others; and also against such debtors of the Bank of Vincennes as may have taken advantage of the resolution to pay off their	
debts in the stock of the bank	519
Further suggestions are made as to the remedy proposed, the investigations to be	013
made, and for the deposite of the books of the bank in the custody of the court.	519
The Secretary of the Treasury may take security from the State Banks for the safety	
of the public deposites, in case they shall be made depositories of the public money	866
and fiscal agents of the government	000
them to the credit of the Treasurer of the United States over and above three-fourths	
of their capital, respectively, for the period which may elapse before the Secretary	
of the Treasury shall find it expedient to transfer it to another bank—whether the	1050
same have been used or remained unemployed	1059
eys transferred shall be actually placed to the credit of the Treasurer in those to	
which the transfers shall be made	1059
Money held by the agencies of deposite banks must be regarded, in respect to liabil-	
ity for interest, as well as in all other respects, precisely as if no agencies existed,	
and as if the money were held at its ordinary place of business, and in the ordinary way. Interest should be charged upon the amount which may be held by both	
the bank and its agencies above one-fourth of the capital stock	1059
The expression "a whole quarter of a year" means a whole fiscal quarter, as known	
at the department from its organization	1069
Banks employed as depositories before the passage of the act of 1836, which have had an amount exceeding one-fourth of their capital during the whole of the fiscal quar-	
ter elapsed since the act, are chargeable with interest for the quarter, although their	
	1069
But in order to make them liable for the interest, the deposites must have exceeded	
one-quarter of the capital for the whole quarter	1069
of October, 1833, disbursing officers may legally keep the public moneys entrusted	
to them on deposite in the banks heretofore selected by the treasury, and which	
now have the public money	1121
Disbursing officers may legally make special deposites of their funds in non-specie-	
paying banks, if so directed by the President, where they will agree to receive the funds in that way	1121
Any bank not restrained by its charter, or other statutory enactments, nor by judi-	1121
cial process, from receiving special deposites, is competent to enter into a contract	
for the safe-keeping and return of a special deposite in such way and on such terms	
as may be agreed on	1121
the Treasurer, or to some specie paying bank	1121
All banks are disqualified to be selected as banks of deposite which shall have issued	
or paid out any note or bill of their own or other banks of a less denomination than	
five dollars	1193
ing corporations chartered by the acts of the legislatures of the different States, in	
those States, only, as depositories, plainly excepting private banking associations.	
and such as the North American Trust and Banking Company	1223

	age.
The Secretary of the Treasury has no legal authority to investigate the condition of the banks of Wisconsin Territory against their consent	1236
the banks of Wisconsin Territory against their consent	1026
confirming them. The Bank of America having paid out bills of other banks of a denomination less than	1230
five dollars, has incapacitated itself from being a depository of the public	1940
Deputy postmasters who shall be required to execute the functions of depositaries	1240
under the act of July 4, 1-40, ought to give new bonds, with sureties, to be ap-	1250
proved by the Solicitor of the Treasury	1000
the Post Office Department	1350
1840, are required to execute a new bond, with sureties, conditioned for the per-	
formance of the new duties required by said act, as well as those before required	1356
Collectors are not required to give bonds in a larger amount than before under the	1000
act of July 4, 1840, unless it shall be deemed necessary by the proper officers of the department; but they are required to give new bonds with new conditions em-	
bracing the new duties devolved upon them, as well as those previously required	1358
Under the act of July 4, 1840, all collectors of customs are required to execute bonds embracing, in terms, the new duties to which they are or may be subject	1367
Even at ports where there is a receiver general, there are some new and increased	
fiscal duties imposed on the collector which did not previously belong to him If the proper department shall deem it expedient, it may, in lieu of a new bond, em-	1367
bracing all the duties of the collector, take a new bond in a suitable penalty, em-	1005
bracing the new duties only, leaving the old one outstanding	1367
imposed on them by the act of 4th July, 1840	1373
The act requires all collectors of customs to safely keep, without loaning or using, all the public money collected by them, or otherwise at any time placed in their	
possession or custody, till the same is ordered by the proper department to be	
transferred or paid out, except as therein particularly provided; and although he is required to pay it over, the character of his responsibilities and his duties is	
changed, even though there be no increase of money on his hands	1373
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Discharges to marines	713
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DISTRICT OF COLUMBIA. The orphans' court of the county of Washington has power to grant letters of admin-	
istration in respect to assets existing in the county, and payments made by the	
Treasury Department to an administrator thus appointed, are regular; yet in a case where the decedent resided in Baltimore, and have left a will appointing an exe-	
cutor there, and letters granting administration de bonis non are afterwards granted	
in Maryland upon the same estate, the letters issued in Washington become sub- ordinate to them	1024
The President is authorized to make an original appointment of a justice of the peace, during the recess of the Senate, for the District of Columbia	
He derives the power from the act of 27th February, 1801, authorizing him to ap-	1904
point, from time to time, such number of discreet persons as he shall deem expedient, to be justices of the peace in the District for five years	1524
The inspectors of the penitentiary in the District of Columbia have notwithstand-	1004
ing the authority conferred on the warden by the act of 25th February, 1831, the responsibility and duty of a general superintendence and management of the ins-	
titution; and it belongs to them to limit the number of subordinate officers and ser-	
wants, and to regulate their salaries	2025

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In them, and not in the warden, is vested the authority to appoint the physician an	d _
chaplain, they not being "inferior officers" within the meaning of the law	. 202 5
DOCUMENTARY HISTORY.	
It is the duty of the Secretary of State to prescribe to the contractor for publishin	g
the Documentary History of the American Revolution the contents of the se	r -
eral volumes, that the selection of materials may not be altogether at the discre-	
tion of the compilers	· 1000
shall be prepared for publication, as may be most convenient. The law will be	ie.
answered by an approval at any time previous to the publication	. 1855
D'Ivernois, Bourry	. 651
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	age.
no new requisition can be issued to cover the claim. A requisition having been	
already issued, and upon it a warrant, which is in legal contemplation yet out-	
standing, the proper course to be pursued to adjust the matter, is to issue a dupit-	
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draw the first, and issue another, to be treated as if presented the first time for pay-	
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his warrant was originally payable, the same as if the mistake had not been made.	
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with such mistake	1679
with such mistake	10.~
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ment to the proper claimant	2001
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whom the money was not owing	2061
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former Secretary of the Interior, and certificates therefor issued by the Commission-	
er for Indian Affairs to the original claimants, payable from the annuities of that	
tribe in three annual instalments, which were subsequently transferred to Suydam,	
Sage & Co., and by them to the Merchants' Bank in New York, whose attorney	
claims payment; but before the same was made, a rehearing was demanded on be-	
half of the Indians, on the allegation that they were not originally liable to the	
Ewings for the amount adjudicated to them by the said Secretary; and a question having cotemporaneously arisen between the Ewings and the said bank, concern-	
having cotemporaneously arisen between the Ewings and the said bank, concern-	
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ing the terms and purposes of their transfer of the said certificates—prouper, that	
ing the terms and purposes of their transfer of the said certificates—Decided, that	
the present Secretary of the Interior ought to regard the decision of his predecessor,	
the present Secretary of the Interior ought to regard the decision of his predecessor, as to the amount due from the Indians, as conclusive; and that, if any wrong has	
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the testator out of the jurisdiction of the power by which the letters were granted.	590
(9 Cranch, 151)	550
this country. (12 Wheaton, 169.)	590
Our courts hold that foreign laws are matters of fact, and should be proved like other facts.	590
A foreign administrator cannot maintain a suit on letters granted in a foreign country. Whatever may have been the practice of the government concerning foreign letters, it is not safe to act upon a power of attorney, to transfer any of the funded debt,	
where there is a conflict of claims between an executor and his assignees for an award of moneys by the Third Auditor to the decedent, the treasury officers should	592
pay the same to the executor, who is the legal representative	985
of the assignee, it may be paid to him	985
survey of the coast	1 2 86
paired from funds for the branch of service to which they belong	1286
Expenses of civil officers	, 321 428
EXPENSES OF COLLECTING CUSTOMS. The limitation of expenses in the collection of revenue from customs imposed by the	
4th section of the act of 3d March, 1849, is not applicable to the first half of the	
fiscal year commencing June 30, 1849	2016
in the proviso to the 4th section, is to be construed to apply to the period for which	
estimates are to be made under the 3d section, and not to the beginning of the coming fiscal year	2016
EXPERIMENT, U. S. Schooner	62
EXPLORING EXPEDITION. The arrangements for this expedition being at the discretion of the President, he may	
appoint and employ a medical assistant thereto without the formality of an examination and approval by the board of surgeons	1158
· The secretary of the commander of the surveying and exploring expedition has no	1100
legal right to compensation for services rendered anterior to the appointment of the commander and the receipt of formal notice of his appointment as secretary; yet if	
he actually rendered services in respect to that expedition before, and in the	
judgment of the President has an equitable claim, he may be paid out of the appropriation of 1836, for the expedition, without sending the claim to Congress	1203
Lieutenant Wilkes, who commanded the exploring expedition, does not come within	
the provisions of the appropriation act of the 3d of March, 1843, and is not entitled to such a rate of extra pay as will make his annual compensation equal to that of	
the Superintendent of the Coast Survey	162 5
those officers who were employed in scientific duties in the late surveying and ex-	
ploring expedition to the Pacific ocean and South seas	1625
ficers of the navy, of equal grade with those employed in the coast survey	1625
EXPLORING Expedition, extra pay to officers of	1264 1264
Extra Compensation.	
The Secretary of the Navy has the contingent fund of the department entirely at his disposal, from which he may draw for the purpose of compensating any services	
rendered in any of the relations of his department which are of a contingent	194
Governor Cass having been employed by the government to perform services which	134
did not belong to his duty as governor of the Michigan Territory, he has a fair claim to compensation on the principles of a quantum meruit	604
The design of the proviso limiting the compensation of officers of the army, contained	004
in the act passed March 3, 1835, was to prohibit the payment of any per-centage, additional pay, extra allowance, or extra compensation to them, not only on ac-	
count of the disbursing of public moneys appropriated during the last session of	
Congress for any of the purposes specially enumerated, but also to prohibit any such allowance for any other service or duty whatsoever, unless authorized by	
law	945

Extra Compensation, (continued.) Officers of the army acting as Indian agents, who shall be employed in the removal	Page.
of Indians, may, notwithstanding said act, be allowed their actual travelling ex-	945
penses	
mer usage The practice of commuting for quarters and fuel is only a particular mode of ascertaining the amount of the proper allowances for these objects, adopted from a regard to convenience and economy; and, as it is still authorized by law, there is no	945
According to the continuance of this method of settling it	945
disbursed by him	947
office. The clerk of the navy and privateer pension and navy hospital funds is entitled, over and above his salary, to a fair compensation for services performed by him in respect to the United States coast survey, as those services were no part of his official duty	999
Clerks whose ordinary duties are prescribed by law, or by the head of the bureau in which they are employed under the authority of law, who perform services additional to those which are in their line of ordinary duty, are equitably entitled to	
a just compensation therefor	1182
law to the office of the Fourth Auditor	
in the opinion given on the 6th of April, 1838, should be applied	
The claim of General Scott for a compensation of eight dollars per day over and above his regular pay as major general, for superintending the removal of the Cherokees under the direction of the Secretary of War, cannot be allowed without violating the proviso to the act of 3d March, 1835	
The claim of General Scott for compensation, at the rate of eight dollars per day over and above his regular salary, for arranging and superintending the removal of the Cherokees, even though he were a special commissioner to effect that object, cannot properly be allowed	
Clerks and others holding regular appointments to places created, and receiving specific salaries affixed thereto by law, are not entitled to additional allowances for services rendered the government as the agent for surveying and selling Indian lands, the same being prohibited by acts of Congress	
Extra compensation to persons entitled to salaries may be allowed only where money shall have been appropriated for the particular services, for the rendition of which	
it is claimed as a compensation	1259
Payment for such services cannot be made out of the contingent tund	1259
lowed. Nor are watchmen entitled to extra compensation for labor performed in the offices during the day.	1282
All such claims for compensation come within the prohibitions of the 3d section of the act of Congress of the 3d March, 1839; and the views of the Attorney General were given upon the act in his opinion of 4th April last	
Navy agents employed to make purchases, or to perform any services for a depart-	

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ment other than the Navy Department, are not entitled to extra compensation unless compensation for the extra services is expressly authorized by law	
The district attorney for the District of Columbia is entitled to a reasonable compensation, over and above his salary and stated fees, for attending, on the part of the United States, during the taking of certain depositions in said District in a case de-	
pending in the circuit court of Missouri	
estate in Vermont. Clerks in the office of the Secretary of War are not entitled to extra compensation for attending to the business connected with the reservations under the Creek treaty of March 24, 1832.	
The contingent fund cannot be properly applied in payment for extra services The executive department has no authority to give extra pay to the officers of the United States exploring expedition	1381 1551
The acts of 1835 and 1839 positively preclude extra payment to them unless a special appropriation therefor shall be made by Congress	
eented fromOn review of the subject of the preceding opinion, the opinion itself is reaffirmed. There being no express appropriation to meet the claims of the officers detailed for the exploring expedition for extra pay, and the same not being chargeable to the	
general fund for the support of the navy, the Executive cannot legally order such payment to be made from the treasury	1554
ever for the performance of any service, unless the same shall have been authorized by law	
away by that act.—(Case of Fillebrowne, 7 Peters.)	1554
order payment therefor out of the treasury, dissented from	1554
The Attorney General refers to his opinion concerning the right to extra pay of the	1961
officers of the United States exploring expedition	
States Nor are they entitled, as a matter of right, to any compensation not stipulated to be paid him for assisting the Attorney General in arguing the cause before the Supreme Court of the United States.	1597
Court of the United States	1597
pensation to the representatives of the deceased	
A commissioner for the exploration and survey of the northeastern boundary cannot be allowed extra compensation by the accounting officers unless there shall be leg-	1597
islative action authorizing it. The provision that officers or persons in public employ, whose salaries are fixed by law, cannot receive any additional allowance except for travelling for the performance of duties at a distance from their stations or domicils, applies to officers of the navy as well as to other public officers	

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	The Attorney General is of opinion that there cannot be a case presented in which an	`
	officer, whose salary is fixed by law, can be entitled to an extra compensation for	1000
	the discharge of a public service	1696
	discharge of a public service; but travelling expenses may be	1716
	The Secretary of War, in the ordinary execution of his public duties, cannot employ	1.10
	and compensate collectors, &c., in the revenue service, for disbursing moneys ap-	
	propriated for topographical purposes	1736
	A clerk in the Pension Office ordered to perform the duties of secretary to commis-	
	sioners appointed to treat with a delegation of Indians is not entitled to extra com-	
	pensation therefor, but must be limited to the compensation provided by law for his	1776
	services as a clerk in the Pension Office	1110
	plicable as in the case where extra compensation is allowed by law, or where from	
	death, absence from the seat of government, or sickness of some officer, the Pres-	
	ident orders another officer to perform the duties	1776
	Major Ripley is entitled to payment of his account for extra services in superintend-	
	ing the Springfield armory, as such superintendence was in addition to his appro-	
	priate duties, and as an appropriation was made by Congress to satisfy it, which no other person could receive.—(See opinions of Mr. Grandy, dated 4th April,	
	1839, and of Mr. Nelson, dated 22d September, 1843.)	1814
	Major Craig is entitled to extra compensation for his services as superintendent of the	
	armory at Harper's Ferry, Congress having made an appropriation therefor, which	-000
	no other person is entitled to receive	1989
	thereof is therefore authorized by law	1989
	(See opinion of Attorney General Mason, of 10th August, 1846, respecting the claim	1000
	of Major Ripley for compensation for superintending the Springfield armory.)	
	The accounts of disbursing officers for extra compensation paid under the order of	
	Major General Scott, of May 3, 1847, to certain volunteers in the war with Mexi-	
	co, should be allowed, provided the disbursements shall be adjudged to have been necessary and proper, and there is a sufficient amount of the contribution fund to	
	meet them	2040
E	ATRADITION.	
	If a Spanish subject who has violated the territorial law of Florida shall be within	
	the United States at the time of demand for him as a subject and fugitive from	•
	justice, he ought to be given up for trial and punishment; yet there is no law di-	20
	A requisition from the British minister is not authorized by the 27th reticle of the	38
1	treaty of 1794, unless the persons demanded are charged with murder or forgery	
7	committed within the jurisdiction of Great Britain	48
•	The authority of the General Government to take, forcibly detain in custody, and	
	bring to this country from Europe, a person charged with barratry on private prop-	•
	erty, is doubtful. The offender if he were here, would be amenable to our courts.	73
	The President of the United States has no power to order the delivery of diamonds and precious stones of the Princess of Orange, referred to in the note of Chevalier	
	Huygens; nor will he be justified in directing the surrender of the person	
	upon whom a part of the stolen articles may have been found, as there is no	
	stipulation between the two governments for the mutual delivery of fugitives from	
	The Francisco and subscient address on the King of Bortonal tree common	778
	The Executive is not authorized to deliver up to the King of Portugal two seamen confined in Boston, who are charged by the charge d'affaires of his Majesty with	
	piracy committed on the brig Triumph	849
	There is no law of Congress which authorizes the President to deliver up any one	
	found in the United States who is charged with having committed a crime against	
	a foreign nation; and we have no treaty stipulations with Portugal for the delivery	940
	No State can, without the consent of Congress, enter into any agreement or compact,	849
	express or implied, to deliver up fugitives from justice from a foreign State who	
	may be found within its limits.	1140
	According to the practice of the executive department, the President is not considered	
	as authorized, in the absence of any express provision by treaty, to order the de-	1410
	livering up of fugitives from justice	1410
	der in that country, and apprehended in the United States, and examined before a	
	commissioner, and by him certified to be probably guilty on the evidence adduced,	

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should be delivered up to justice, if the evidence upon which the application is founded be such as, according to the laws of the place where the fugitive shall be found, would justify his or her apprehension and commitment for trial if the crime	
had there been committed	1603
ty, that a warrant may issue for the surrender	
power to apprehend, examine, and certify as to fugitives from justice	1603
to the laws of the place where he or she shall be found	1603
and the facts having been properly certified to him by the commissioner The Executive will not issue his warrant for the surrender of fugitives under the 10th article of the treaty of Washington, except in cases where the preliminary proceed-	1603
ings have been had, and properly certified to him	1629
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or the person so accused, shall be found, his or her apprehension and commitment for trial would be justified if the crime had been there committed	
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Fines, Forfeitures and Penalties. The innocent purchaser of a brig under forfeiture for smuggling, takes her subject to	
the confiscation, as much as the purchaser of a stolen horse takes it subject to the claim of the true owner	218
On the requisition of the British minister, a British vessel and cargo, which the master had wantonly and feloniously taken into an American port, in violation of our revenue laws, and there seized by the officers of the port for such violation, should be restored to an innocent owner. The forfeitures and penalties prescribed by our	
laws have never been inflicted on owners of vessels whose property has been brought within our power by others' crimes	331
A vessel under forfeiture for having violated the laws prohibiting the slave trade, remains subject to the taint in the hands of subsequent purchasers, and the President	
will not interpose in any suit brought against the vessel on that account	404
If the matter set forth in the memorial constitutes a legal defence, it will avail the owners on the trial of the libel	404
The act of the 3d March, 1797, authorizing the Secretary of the Treasury to remit "fines, forfeitures and penalties," does not confer the power to release a bond given to entitle the obligor to draw back after the same has become an absolute	
debt due the United States	663
unqualified, except only in the cases of impeachments and proceedings for con-	

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tempts; and it consequently includes the power of remission of fines, penalties and forfeitures, under the revenue laws	6 96
The power, however, does not go to the length of making restitution of fines, penalties and forfeitures, after they have been actually paid into the treasury	696
1832, or either of them, the Secretary of the Treasury is not authorized to remit	1102
it	
in degrees at different times at the discretion of the incumbent of the office A portion of a sentence may be remitted at one time, and another portion of it at an-	
other time, and by another Executive	1245
its payment shall have been given, as before	1245
uals for conduct adjudged to be contempts of the circuit courts	1381
The Postmaster General ought not to meddle with any case of forfeiture finally disposed of on deliberate examination by his predecessors	1424
The principle of res judicata must be adopted, as a general rule for the executive de-	
partments	1424
As to cases of delinquency reported to Congress, the mere fact of a report having been made, ought not to bar any really substantial and equitable excuse which a	
Contractor might have to make	1424 1564
The fifty per centum additional duty levied on imported goods, under the second proviso of the 17th section of the act of 1842, is a penalty which the Secretary of the	
Treasury can remit under the act of 1797	1596
the United States is sufficient to authorize him to remit a fine imposed upon a citizen	
for contempt in neglecting to serve as a juror	1679
against the United States, invests the President with authority to remit fines im-	1550
posed by the judiciary upon defaulting jurors	1773
stitution, is co-extensive with the punishing power, and applies as well to punish- ments imposed for contempt of the process of the United States, as for the violation of any other law. It, therefore, includes the remission of fines, penalties and for-	
feitures	1773
(See opinion of Mr. Gilpin, delivered on the 27th February, 1841, and the case of the United States vs. Wilson, in 7 Peters, 160, for commentaries upon the subject of the pardoning power generally.)	
of the pardoning power generally.)	
Wells The President is invested with authority to remit judgments of forfeiture pronounced against vessels, their tackle and apparel, for infractions of the act of 1818, prohi-	1113
biting the slave trade	1948
But if he shall deem it expedient to exercise the pardoning power in the case of the brig Titi, it is recommended that he follow the precedent in the case of Lancaster,	
and remit only the interest of the United States in the judgment	
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FLORIDA WAR, CLAIMS ON ACCOUNT OF.	
No allowance for horses or other property impressed into the service of the United States, nor for any special damage done to individuals or their property by the	
troops of the United States or the enemy, can be allowed by the first section of the act of 28th May, 1836	•
This act does not extend to the pay and other allowances to be made to the militia or volunteers, which, by the second section, are placed on the same footing with those of militia and volunteers ordered into service by orders from the War Department. Of expenses incurred and supplies furnished, not of the like nature with those specially named in the abstract, only those are to be allowed which were known to	
amily minute in the appliance with many are as all area which are within the	

FLORIDA WAR, CLAIMS ON ACCOUNT OF, (continued.) the military service, having reference, in the cases both of expenses and supplies,	age.
to the character of each corps	1073
with the Seminoles since the day Congress recognised their hostilities and appropriated money to suppress them	1170
count of the public service for the defence of Florida, comes within the act of May 28, 1836, and ought to be allowed	1225
occupation and settlement of the unsettled part of the peninsula of East Florida, are not entitled to cut live-oak and other timber, except for the purpose of clearing, until they comply with all the conditions of the law	1616
The conditions precedent to that right are the obtaining a permit from the register of the land office describing the place of the intended settlement; the residence in the	1010
Territory of five years; the erection of a house fit for the habitation of man; the clearing and enclosing of at least five acres and actual residence thereon four years next following the first year of the date of such permit; and the proving, before the	
proper tribunal, within one year after the survey of said lands and the opening of the proper office, that the settlement has been commenced on the quarter section located, and, within six months after the expiration of the five years' residence,	
the proving of such continued residence and cultivation	1616
1844, the Secretary of War cannot direct the accounting officers to allow claims for supplies beyond the quantity to which the troops were entitled under existing laws	
The act and resolution must be read as in pari materiâ	
lution of 1845, from the appropriation of 1842	1717 1717
Bona fide holders of bonds for loans made to Florida for the suppression of Indian hostilities, which have not been paid to them by the authorities of Florida, or at the treasury, may be allowed and paid, if the appropriations made by the acts of	
Congress of August 23, 1842, are sufficient	1778
The United States are not liable to any losses on the public stock in which that pay-	1778
ment was voluntarily invested by the agent who received it	38
goods imported into, after cession, slaves of Spanish citizens of, courts of	314 1227 1710
FLOURNOY, ALFRED. The act for the relief of Alfred Flournoy did not authorize an entry of reverted lands before they had been again offered at public sale; nor lands relinquished after the	
passage of the act, the laws upon the subject of public lands are all in pari materia, and are all to be construed together. No particular law should be construed as an insulated act upon its own letter, but as having relation to the general system	
The case of Chotard vs. Pope, reported in 12 Wheaton, 586, has settled the rule as laid down in this opinion	
Forbes & Co	1573
Foreigners, (see Liability of Government)	430 793
Foreigners, (see Patents for Inventions)	1648
Sovereigns do not interfere with the regular course of the administration of justice where a foreigner is a party, until he shall have gone to the court of last resort with his case.	8
The late governor of Guadaloupe who had caused a vessel to be seized and con- demaned by authority assumed as such officer, being prosecuted in the court of	

Foreigners, Foreign Ships, etc., (continued.)	Page.
Pennsylvania, whilst here as a prisoner of war, on parole, is not more exempt	61
than any other foreigner (not a public minister) from suit and arrest If the circumstances attending the seizure were such as will constitute a defence, they	21
must be pleaded in the action. If the seizure were an official act, done by the de-	
fendant under color of the powers vested in him as governor, they will be an an-	
swer, as the extent of defendant's authority can be determined only by the consti-	
tuted authorities of his own nation	21
A writ of habeas corpus may be awarded to bring up an American subject unlawful-	
ly detained on board a foreign ship-of-war; the commander being fully within the	
reach of, and amenable to, the actual jurisdiction of the State where he happens to be	22
The government will not interfere with a private action against a foreigner for receiv-	
ing a negro on board his ship	24
The defendant in such a case is on a footing with every other foreigner not a public	
minister, in respect to his suability, and he must answer or demur to the allegations	
against him. If he have a good defence under the treaty of peace, he must plead	
it in the usual course of judicial proceedings; and until the regular course of such	
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The term "prosecutions," employed in the sixth article of the treaty with Great	
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General and State Governments, to provide the means of carrying on the war; and failing to make such provision, and Virginia herself having made it from her own resources, the same became a debt against the United States, which they were bound to reimburse. The rule concerning interest has been, that where a State supplied the money for expenditure from her own treasury, no interest has been allowed; but where a State, from the condition of her own finances, was obliged to borrow the money, and to thus incur a debt on which she herself become obligated to pay interest, interest has been allowed to her for indemnity.	473
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terest which she has actually paid on account of loans made necessary by her having taken the place of the United States in meeting the expenditure of the war in that State; and although the money so borrowed may have been placed in the State treasury, and thereby blended with the State revenue, yet, if, from the revenues thus blended, a sum equal in amount to the sum borrowed was expended for the use of the United States, the State is nevertheless entitled to interest, with-	
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United States, in the defence of New Orleans; and, after the passage of the act of	
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tained the passage of an act directing the liquidation and settlement of his claim;	
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trict of country to the latter, in trust, for the payment of their debts to traders from	
the proceeds, &c., a creditor of said Indians to a large amount; and who, after	
the appointment of commissioners by Great Britain to liquidate such debts, obtain-	
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terested parties;) is what is intended by the word "proof" contained in the act of the 29th May, 1830. The Commissioner may prescribe the mode and kind of proof—how and by whom it should be taken; but cannot prescribe anything as proof which is not such in fact,	
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rule applies to the second section
support of the fairness and regularity of the claim
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manage the public lands.
Actual residence on the land is not indispensable, yet with cultivation it is the highest
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are liable to be selected; otherwise, not
emptors may float tracts that do not in the aggregate exceed 160 acres. He may
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over eighty acres
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in six months
emption claim as settler or occupant of public lands, although it may seem to be
incompatible with the condition of an officer in actual service
right of pre-emption, former opinions on the subject are referred to, indicating that where there is but a partial cultivation under the immediate personal direction of
the claimant, as the head of a family, by himself, hired men, servants, or slaves, and a settlement and occupation actually intended to be made, and is subsquently
made by the claimant, he is entitled to the benefit of the laws
quisite to the right of pre-emption
Where the improvement is on a fractional section containing over 160 acres, the claimant may enter, in conformity with the legal subdivisions recognised by the acts of
1830 and 1834, a quantity of land not exceeding 160 acres
subdivision, and cannot be taken in addition to the fractional quarter containing the
pre-emptor's improvement
the circular of October 21, 1834, are not inconsistent with the law
on a river, creek, &c., at the time of the approval of the act of June 15, 1832; and individuals entitled to lands, but who had not located them at the date of said act,
cannot be considered to have perfected a title to any specific lands so as to be regarded as owners within the meaning of the act

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The land in controversy in this case was not subject to pre-emption, for the reason that the claimant did not own the front lands in 1832	
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erned by existing acts of Congress	
Where an assignee in blank of the floating right of pre-emption to a specific quantity of land is in conflict with an assignee of the same right which has been actually located, and the commissioner of the General Land Office is satisfied that the assignment in blank is not clearly fraudulent, he ought to issue the patent to the original	
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and such a right, resting in contract, cannot always be carried out by specific per- formance	1483 1483
The Secretary of the Treasury has no power to order surveys of these town lots and streets into farm lots, to suit the wishes of pre-emptioners, in order to perform specifically one act of Congress which is in conflict with later acts, requiring a differ-	1400
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Houma grant, are entirely void under the sixth section of the act of 1811 In the cases of patents issued, there is no remedy awarded except in the courts Free colored persons are entitled to the benefits of the pre-emption act of 1841 Aliens only, in the proper acceptation of the term, are excluded from the privileges	1529 1529
of pre-emptioners. Colored people are distinguished from aliens, even where slavery exists, and are capable of all the rights of contract and property	1566
need not have continued for four months next preceding it, as required by the act of 1838	1601
order to avail themselves of the privilege of pre-emption	1795
land with the intention of settling there They must also inhabit, improve, build, pay, and make proof, within twelve months, to be entitled to preference over those who may have entered the same lands at the land office	
	2.00

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Where a settler upon certain public lands on the east bank of the Mississippi river	
—which, when subsequently surveyed, was designated as the southwest fractional quarter of section twenty-five—failed to make payment therefor prior to the day ap-	
pointed for the public sale of lands in that vicinity; and, by his agent, on that day	
refused to enter and pay for the same unless he could be permitted also to enter	
the southeast fractional quarter section; and not being gratified in that respect.	
(the land officers refusing his request, and offering all the lands at public sale, and	
actually selling the southeast fractional quarter, and afterwards obtaining a con-	
firmation of their proceedings,) by his agent having applied to the Secretary of the	
Treasury for a hearing in respect to his claim of pre-emption—DECIDED, that he abandoned his claim by refusing to make payment unless he could be permitted to	
enter the southeast fractional quarter section, and that by such refusal he forfeit-	
ed all right which he had previously acquired to the premises	1890
The pre-emption act of 19th of June, 1834, expressly declares that its provisions	
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before the day appointed for the commencement of the public sale	1890
The claim presented having no merit in law or equity, the decision of the Commis-	
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a patent for such part as could be sold	
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comply with the regulations of the department, procured them to be marked and reserved from sale to T., who, soon thereafter, applied to purchase and pay for	
them, and was refused; and, afterwards, H. and F. made payment and obtained a	
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suspension, unless applied for before suspension	1147
suspension, unless applied for before suspension	
been given, or that lands are liable to entry; nor can the Treasurer refuse pay for	
a specific tract, unless he have official evidence that it is not subject to sale If any good cause be known to the Register, he may refuse to complete the	114/
entry	1147
Where a lot of land offered at auction at a public land sale was struck off to A, who	
advanced the money, and took a receipt therefor, and B, on the same day, offered	
evidence to prove that he nodded to the auctioneer, and that his nod was equivalent	•
to a bid for said land above that of A, and that, thereupon, the land officers put up	
the land again on a subsequent day, and struck off the same to C, who conveyed	
it to B, who disputes A's title—HELD, that if B intended his nod at the first sale to be a bid above A, he should have promptly disclosed it at the time, and invoked	•
the land officers to remedy the inobservance or neglect of the auctioneer; and that,	
as this was not done, the patent must issue to A, to whom it was struck off at the	
first sale	1265

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Grants made by the Spanish government, after the ratification of the treaty by which	
the land was ceded to the United States, are void; and though a patent were dated	٠.
before, unless it were delivered before, it sails to carry the title	64
And although prima facte every deed may be presumed to have been delivered on the	c.
day of its date, the presumption may be removed by proof	64
A land patent issued under a mistake, in consequence of a Virginia military land	
warrant located on lands which had been previously and regularly located by others, is null and void	97
ers, is null and void	31
different persons, held that the first had preference	120
Where the local law authorizes a transfer of the right to patents at sheriff's sales, the	1~0
purchasers may demand patents	120
The holder of an unpatented location cannot dispossess one holding under a patent	
from the United States by any common law proceeding, but he may institute a pro-	
ceeding in chancery for the purpose of rescinding a patent improperly granted	193
The general standard of remuneration, where title fails, is the purchase money,	
and interest; the improvements to be paid for by the successful party	193
By the act of March 1, 1800, the Secretary of the Treasury was required to number	
the 100 acre lots of the fifty quarter townships progressively, and that the patent	
to be issued for each should, inter alia, give the number of the lot located. Such	
description cannot be departed from, for no form of description variant from that	
will pass the title of the United States; nor can any patent be issued until the lots	
shall have been numbered	209
Patents under the act of 17th February, 1815, must issue to the owner at the date of	
the act, if alive; and if dead, to the heirs or devisees. The act attaches no assigna-	
ble quality to the charity which it bestows; and being the only authority for issuing	020
a patent, its terms must be strictly pursued	23 3
location of cartifactor	233
location of certificates	200
rights may be returned and cancelled, or may be repealed by scire facias or bill in	
chancery, at the instance of the United States, or of the pre-emptioners in the name	
of the United States	297
Land patents may and ought to be withheld where the confirmation has been ob-	
tained by fraud. If actually issued, the courts will cancel them	457
The relocation and survey having been made in the name of the original patentee after	
the alleged transfer of his right to others, the patent must be made out, granting	
the lands to him, his heirs, and assigns, or to his or their legal representatives, &c.,	
according to the suggestion in the 5th section of the act of the 10th of August, 1790	49 6
As the owner of a land warrant may locate it in as many several parcels as he pleases,	
he may demand and take a grant for each	497
He may assign any proportion of his warrant to a third person, who may, upon the	
authority of such assignment, make entries in his own name, and take out grants	407
to himself therefor	497
their father, and the assignee may enter the lands in his own name, and demand	
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A patent issued by mistake may be corrected before delivery. If delivered, and the	
patentee refuse to surrender it for cancellation, the President may issue a new one,	
reciting the error committed in the former as the cause	507
A patent was issued by mistake to William Masters of the whole instead of the half	
of a quarter section, who sold the same and refused to return the patent to be can-	
celled: DECIDED, that the purchaser be notified, and that Masters and his vendee	
be immediately prosecuted	515
Patents should not issue for lands inadvertently sold	6 02
The terms employed in the patent to Raphael Lesieur are not so vague as to render	
the patent void for uncertainty. In construing public grants issued in great	
numbers by the officers of the government, and in accordance with a certain formu-	
lary deliberately adopted by those officers, the courts may resort to contemporane-	
ous documents on file in the proper department, for the purpose of ascertaining the	1020
intent of the grantors	こうり
public lands, the former law in this reapect having been repealed by the act of July	
	1059
4, 1836	
in respect to which private claims are recognised by acts of Congress, must be cer-	
tified or countersigned by the recorder	1077
· · · · · · · · · · · · · · · · · · ·	

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	It is a sufficient compliance with the provisions of the act of July 4, 1836, for the engrossing clerks to write the name of the President to patents, and for the secretary	
	thereafter to attest them by his signature	•
	The countersignature of the recorder of land patents, and seal of the office thereto attached, constitute a sufficient authentication of a patent for land	1389
	The execution of a patent for land to a soldier in the war of 1812, by the Commissioner of the General Land Office, passes the title, although the same had not been delivered to the patentee.	ı
	delivered to the patentee	. 1404
	The proper mode of proceeding to vacate an erroneous land patent is by bill in equity; the regularity of proceeding by scire facias in this country doubted	-
	In England, letters patent are of record on the law side of the chancery court; where- fore there is a propriety there for a writ of scire facias to vacate a patent, that does	3
	not exist in the United States. (Case of Jackson vs. Lawton, 10 Johnson, 23 contra.)	1548
	A bill or information will lie in chancery to set aside a patent that has issued impro- perly; and being the surest mode, it is recommended to the Land Office. (Sew- ard's Lessee vs. Hicks, 1 Har. and McHenry, 24; Lord Proprietor vs. Jennings.	•
	ibid., 92; Bagnell vs. Broderick, 13 Pet. 436.)	1548
	judicially avoided	. 154 8
	for the same land, even to confirmees. After one patent has issued for lands, the executive department is functus officio in re-	1568
•	spect to such lands until its former act is judicially act aside	1 56 8
	and confusion, by the blending of executive and judicial functions in a manner un- known to the laws and the constitution	1 56 8
	In the present case, the act, so far as it operates as a grant, supersedes the necessity of a patent to the confirmees, according to the case of Strother vs. Lucas, 12 Peters.	, '
	A patent cannot issue to one of the two purchasers of a quarter-section of land, or for any unspecified portion of the same. Where such conditions exist as will permit a partition of the land held in common, a patent may be issued to the purchasers.	•
	It is not competent or proper for the Commissioner of the General Land Office to make alterations in the dates of patents for lands, after the delivery thereof to the) }
	grantees	
	very, may be determined by parol testimony	1688
	entered location, it was made to appear, that after having executed a deed of a por- tion of the land to another person he made the affidavit required by law, that no	
	person other than himself had any interest therein, and that he had made no con- tract, &c. and that such grantee had obtained a patent for his land under the act of 4th September, 1841, and claimed to hold it, notwithstanding the settler's deed to him	•
	had been decreed by a court of chancery, having jurisdiction, to have been obtained in duress, and for such reason to be void—becipen, that a second patent for the	
	same land ought not to be issued whilst the first remains outstanding It is not the duty of the government to institute proceedings to vacate the first patent,	1838
	as it is in nowise responsible for the act which embarrassed the settler's pre-emption, and occasioned the existing difficulty	1838
	The applicant should seek relief in the court of chancery, which has full jurisdiction of the case, and ample power to administer the remedy to which he shall be en-	
	titled	
	ings, if the Secretary of the Treasury shall deem it discreet to authorize it A patent may properly issue to pre-emptors, notwithstanding others to ordinary purpheness may have issued for the same land, and remain outstanding	
	chasers may have issued for the same land, and remain outstanding	1292
	who made the entry, gave notice, and paid for the same as therein provided, are	

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As against pre-emptors who have complied with the conditions of the law, the executive department has no right to convey to others; and whenever it does so, the	333
grants are void	1955
grants are void	
those where the authority is ample and the exercise of it is erroneous	1955
Where public officers exceed the authority conferred upon them, their acts are	
Where public officers exceed the authority conferred upon them, their acts are absolutely void. (See cases in 10 Johnson's Rep., 26; 1 Peters, 656; 2 Howard,	
285; and 3 Howard, 650.)	955
LANDS, PRIVATE CLAIMS.	
The Ursuline nuns of New Orleans have possessory title to their enclosures that can-	
not be disturbed; the evidence, as to residence, is imperfect; suspension of sales	
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The King of Spain had ample power to grant lands in Florida while the province was	
his, and the Roman Catholic Church were capable of taking his grants; but wheth-	
er the lands in question were granted prior to the time stipulated, is a question of	
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Claimants are liable for the expenses of resurveys where there had been no survey	
of the claim under the French or Spanish governments previous to the delivery of	
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missioners to enable them to decide on the validity of the claims	428
A concession confirmed by the 1st section of an act of March 1, 1805, where a sur-	
vey had been made prior to October 1, 1800, is valid for the entire quantity contain-	-
ed in the survey	429
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firmed the claim according to the survey. A mistake of the commissioners was	
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only reported upon, did not decide, the claims	429
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The third section of the act of 12th April, 1814, makes it the duty of the Commis-	
sioner of the General Land Office to examine whether the certificate of the recorder	
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intent and meaning of that act; and if found not to have been, to withhold a	470
Suspension recommended until trial of title under the act of 20th May, 1824; and in	410
suspension recommended and trial of the under the act of 20th May, 1024; and in	
case the same is neglected, until the claim shall be barred by the fifth section of	470
said act. The defendant's title to the lands in dispute having been derived from the United	410
States, it will behoove the government to cause the defence to be skilfully attended	
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to, as these claims are of very serious consequence to the United States The main ground of defence will be the cession by Georgia to the United States, the	504
several acts of Congress touching these claims, and the proceedings of commis-	
sioners under them	504
The case of Fletcher and Peck in the Supreme Court commented on, and instruc-	
tions given as to the proceedure upon the trial	504
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decisions were made	523
A copy of the record is not enough. Congress was perfectly aware that these titles	
depended upon the peculiar local usages and regulations of Spain and France; which	
the district attorney residing on the spot would be presumed to be acquainted with,	
and of which, with all other circumstances necessary, to make a statement suf-	
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A Spanish grant made upon false suggestion would have been cancelled by the	•
Spanish sovereign, and an American court of equity should not lend its aid to en-	
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A grant made December 2, 1820, was in violation of the 8th article of the treaty of	_
cession	605
The settled policy of Spain was to parcel out her colonial domain with reference to	

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the single object of population; and grants for the purpose of speculation were not tolerated	605
It is competent only for the sovereign making the grant to release the condition on which it was made. Matters in excuse of non-compliance are not the subject of	,
judicial inquiry. The Executive has not the power to order a sale of the square in the city of New	60 5
Orleans, claimed by the city authorities. The act of 1820 plainly refers to lands of a different description	867
of the corporation of New Orleans, the government have no interest to resist it, but would be benefitted by the measure	867
The right to enter back lots is not limited to proprietors whose lands front on navi- gable streams. If there be a perennial flow of water, they may be rivers, creeks, bayous, or water-courses, within the meaning of the law. (See Roman Civil Law,	
Digest, book 43, title 12)	1190
act, may examine the claim of De Feriot, and the evidence on which it was founded for the purpose of ascertaining whether it was founded on a real or fabricated grant, and also for the purpose of ascertaining whether or not the confir-	
mation was fraudulently obtained; and, if satisfied that fraud has been practised, they ought not to make the survey nor issue the certificate	1194
have been issued	1194
In case of an equitable claim in favor of an innocent purchaser, the land should be reserved from sale in order to give him opportunity to apply to Congress The individual who appeared before the board of commissioners, and whose claim	1194
was favorably reported upon by them, (not the original grantee,) is to be regarded as the confirmee under the act of July 4, 1836, and is authorized to make the lo-	
Patents are unnecessary to complete title to an unsold portion of the confirmed claim.	
A grant may be as effectually made by law as by a patent issued in pursuance of law	1199
land district and made at one time; but the party may enter separate tracts, conformably to legal divisions and subdivisions, for which a patent must be issued	
A New Madrid location of lands upon a tract confirmed to the heirs of James Mac- kay, must yield to the title of the confirmees, as the "sale or other disposition" referred to in the 11th section of the act of May 26, 1824, is to be understood to	
mean a sale or disposal in conformity to law	
confirmed claim. The United States are bound by their treaty stipulations with France, and by the	1202
universal usage among civilized nations, to go on and perfect the title of the heirs of Thomas F. Reddick to a tract of land on the bank of the Mississippi, held under	
a Spanish grant and relinquished by act of Congress of 1st July, 1836, unless the same shall be taken by an older and better claim not emanating from the United States government; and no such title having been set up, a patent ought to issue	
The inhabitants of the village of St. Charles, under the laws of the 13th June, 1812,	1232
over Peter Chouteau, whose claim to land was confirmed 4th July, 1836, and the claim of the latter must be located elsewhere upon the public domain	
All sales and locations made of lands claimed under unconfirmed titles derived from France or Spain, between the 26th of May, 1830, and the 9th of July, 1832, are	
valid	1251
the parties must go to the judiciary for a decision declaring void an act of Congress, not to the Executive department	;
of Congress of the 11th May, 1820, ought to be regarded as confirming the title of Morgan to the full extent of his grant issued by Governor Galvez on the 24th of	•
January, 1777	1301
possession ever after, having been submitted to the district court of Missouri, and by appeal to the Supreme Court of the United States, and adjudged to be a	,

LAND CLAIMS, (continued.)	age.
valid and lawful grant, a patent should issue to the heirs for it, notwithstanding	
New Madrid sufferers may have located upon it	1304
reserving the rights now or heretofore existing, of all just and legal adverse claim-	
ants to the whole or any portion of the land patented	1304
The claim of Bartholomew Pellerin to a patent for seventeen thousand and eighty-	
four arpens of land in Mississippi, on pretence that his title is founded on a legal British grant made previous to 1783, and recognised and confirmed by the Spanish	
government in 1810, cannot be recognised at the General Land Office	1347
His claim having been reported and confirmed as one founded on a private convey-	
ance for twelve hundred and eighty acres only, as a donation, a patent for that	1947
quantity only can issue, unless further legislation shall authorize it	1341
absolute claim to lands; but the same was a floating right, and cannot be located	
on any of the public land of the United States, until further legislation shall be	1 007
had in the premises	13//
cidental, yet it can be rectified only by Congress	1377
The right of Peter H. Hobart, who derived title from John McDonald, to a tract of	
land on Bayou Sara, in Alabama, was confirmed by the act of 2d March, 1829, to	1970
the extent of twelve hundred and eighty acres	1910
to be issued for the tract as located, unless it shall be made satisfactorily to appear	
that the bayou, which is the chief landmark, does not exist at the place de-	1050
The error as to the date of a certain report of the Commissioner of the Land Office,	1378
embracing the Maison Rouge claim, set out in a confirmatory act of 29th April,	
1816, (being December 4, 1812, when it should read December 14, 1812,) is not	
fatal to claims mentioned in the said report	1445
as that of wills, and such erroneous recitals are susceptible of correction by parol	
evidence	1445
The "league square" is the extent of the satisfaction granted to claimants under the	
act of 29th of April, 1816: and, whatever may be the extent of the claim, the satisfaction may be had under the act	1445
The confirmees under the treaty with France, under which their claims are asserted,	
do not claim the dominion of the civil law, but the doing of what is necessary to complete title and convey property. The lands to which they lay claim form a	
part of the public domain; and, although the United States acknowledge themselves	
bound to provide for them, the whole subject remains in contract	1448
Specific performance of a contract for the sale of lands is an artificial rule altogether	
unknown to the common law	1448
required to be carried into specific performance, if it cannot be done without unset-	
tling titles in the country in question	1448
Congress doubtless legislated with a view to heal evils, of which an indiscriminate	1449
performance of the grants in question has been so prolific	1440
Congress reserved to itself, from the beginning, the power of executing the treaty in good faith, but with a sound discretion and due regard to the quiet of titles;	
and endeavored to reserve from sale and occupation all the lands subject to claim	1440
under foreign grants	1440
law of the United States, or sales by the United States of any description what-	
ever	1448
Prior confirmations, school sections, ordinary sales prior to the confirmatory act of July 4, 1836, and the New Madrid locations under the act of February 17, 1815,	
are valid as against the claim confirmed by the act of July 4, 1836	1448
The individuals who appeared as claimants before the commissioners, and who have	
obtained their favorable decision, are the persons who are to be recognised at the	1442
General Land Office as the confirmees under the act of 1836	, T 110
tity taken from them by the interference in question on separate tracts, conforming	
to legal divisions and subdivisions of the same	1448
The power is sufficiently implied to authorize the issuing of patents for the portion of the confirmed private claims not interfered with by prior valid claims	1448
Common has given to the Land Office authority and has prescribed to it as a duty	

to treat claims made under the treaty as valid up to the extent of a league square,	
and no more	1459
An act of Congress confirming land titles of two or more individuals, or granting land, must be taken all together; and if there be not land enough to answer all the grants, and there be a conflict of claims, it must be reconciled by reference to the report of the commissioners on which the act was founded; and if two parts of the same act cannot be reconciled, the latter provisions must prevail	,
By an act approved 3d March, 1819, there were confirmed to John Forbes & Co. 310 arpens of land near Mobile; and the question of the extent of the claim confirmed	
The survey, as executed by the surveyor general, (Wheatley,) which recognises the claim of Forbes & Co. to hold the strip of land not embraced in the original British grant, ought not to be disturbed	•
It is the Spanish grant, enlarging the English grant, that is confirmed, whereby the strip of land between the latter and the river is added	1573
surveyor general for the use of schools, it not having been entered on the lists of the recorder, as required of private claims in such cases; and the United States having relinquished all their right, title, and interest in and to all out lots and common-field lots reserved for the support of schools to the State of Missouri; and the same now being claimed by the heirs of one Vifvarenne—DECIDED, that the executive department cannot administer relief in such a case; that the parties must assert	
their rights before the judiciary	
tions as were sufficient to severthem from the body of the public domain There is no recognised principle of law to justify a construction extending them beyond the actual surveys and locations upon which they were made	
The title of Maurice Conway to the lands known as the "Houmas Tract," situate on the left bank of the Mississippi river, above New Orleans, which were once possessed by the Bayou Goula and Houmas Indians, and granted with their assent by Governors Unzaga and Galvez, in front and back concessions, prior to the cession of Louisiana to the United States, was valid to the extent of the surveys	:
and locations, (to wit, forty-two arpens from the said river,) and no farther The two patents issued by the Executive on the 22d day of August, 1814, upon the Donaldson, Scott, and Clarke claims, so called, were unauthorized by law, and	1894
But as the o iginal concessions cannot be recognised to have conveyed any lands be- yond the limit of forty-two arpens from the Mississippi river, those in the rear thereof, and which had not been otherwise granted, were vested by the treaty in	
the United States	
other lands in Florida subject to entry and sale	

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cennes, did not authorize either the President or the governor to make any cor	
veyances for the allotments; and if patents are necessary to confirm the titles,	it
yet remains with Congress to direct by whom they shall be issued	. 20
Persons having land allotted them under the act of 29th August, 1787, are not ent	
tled to patents until provision shall be made for issuing them	
The governor of Indiana Territory cannot be justified in confirming any of the un	
authorized grants, unless actual improvements were made under them previous t	
the 3d of March, 1791; nor can be by law be justified in making a discrimination between the persons still holding their original grants, and those who have ha	y ''
such grants confirmed by former governors, or who have purchased under suc	
confirmation, and made improvements, unless such improvements were made pro	
vious to the said 3d of March	
Under the act of March 3d, 1791, entitling heads of families who had removed with	
out the limits of the Territory, and occupied certain lands, within five years,	0
the donation lands specified in said act, those persons who returned to their re	
spective districts only within five years are entitled to the benefit of said provision. When a New Madrid certificate calls for a quantity of land greater than 160 acres	
and less than 640, and it becomes necessary to subdivide a quarter section,	
should only be done by making the subdividing line parallel and co-extensive with	h
the line of the contiguous quarter	. 241
the line of the contiguous quarter	11
of the local advantages to the injury of the public	. 241
Locations made in a square, previous to the sectional lines being run, &c., are inac	l-
missible, as the sale is unauthorized until the sectional lines are run	
Holders may take less than 160 acres, provided they can find such a tract liable	
Na neuron con locate over 160 cares under a New Meduid contifects unless the a	
No person can locate over 160 acres under a New Madrid certificate, unless the a gregate of lands lost exceeds 160; in which case he can locate not exceeding 64	
acres	. 347
New Madrid certificates located on lands claimed before the recorder of land titles	n
Missouri are invalid. The tenth section of the act of March 3, 1811, permanent	
reserved such land until the final action of Congress	. 490
The President is bound to see the laws properly executed, and is not to be instru	- •
mental in a conscious breach of them by consummating the error of an inferio	400
officer	. 490
the issuing of a patent is not so putery a ministerial act as to follow a patent certificate as a matter of course	. 490
cate as a matter of course	. 100 30
treaty of May, 1828	. 605
A land certificate may, under the act of 1828, for the relief of Messrs, Edgar & M.	1-
comb, issue to Alexander Macomb, the survivor of the firm who had purchase	d
public lands at the sales in New York	. 613
The act of January 9, 1829, grants lands to those persons who at the date of the	
treaty with the Choctaws of 1820, were occupying lands within the limits cede to the Choctaws by said treaty, and who were compelled to remove therefrom	
As the State of Ohio has refused to obligate herself to complete the canal within	
reasonable time, or to construct it further than the avails of the lands proposed	
be granted her by the United States will do so; and, as the act of Congress did no)t
authorize the grant upon such conditions, the Executive department cannot proper	
make the transfer	. 843
If the government of the United States shall make the transfer after the manifesto	
Ohio as to her obligations, it will have no right to call on her either to complete the	
contemplated work or to restore the money for which the lands may sell The selection of parcels of land less in quantity than quarter sections, by the Gove	
nor of Arkansas Territory, is unauthorized by the acts of Congress touching the	
grant	. 862
"A quarter section" means a parcel of 160 acres which has been set apart and d	9-
signated by the proper officer as such, according to the act of Congress prescribing	g
the mode of surveying and dividing the public lands	862
The third section of the act of the 19th February, 1831, does not confer the right	ot .
purchase and consequent title to the widow and children of A. Follin, deceased, the exclusion of his assignee, claiming under the provision of the second section	
the act of February, 1831, and 19th of February, 1833	180
the act of February, 1831, and 19th of February, 1833	h, oct
July, 1832, must each be taken instead of an entire quarter section	. 1064
Additional selections to make the complement in quantity of ten sections, need a co	
firmatory act of Congress	

Lands, Grants. (continued.)	Page.
The proposed extension of the canal from Lake Erie to the Wabash, from the mouth of the Tippecanoe to Terre Haute, is authorized by the act of Congress; and when the same shall have been agreed on and located, the additional lands provided by	
the act, so far as the United States are in a condition to provide them, may be legally claimed by the State of Indiana	1205
But selections of land beyond the limits of five sections in width on each side of the extended portion of the canal, in lieu of land which has been sold or otherwise dis-	
posed of, cannot be made without the consent of Congress	1203
the Wabash, must be supplied from the alternate sections reserved to the United	1226
States, or out of other lands in the neighborhood near to the canal	
section among the alternate sections accruing to the State along the exterior limits of the belt	1336
If obstacles shall be found to exist to the location of sufficient land on the exterior limits of the belt in minor divisions, the complement may be made up from full al-	
But no sections nor subdivisions are to be excluded because they happen to be cut by	1330
and protrude beyond the exterior line of the belt	
The Commissioner of the General Land Office properly refused to issue a patent for land entered by Governor Shannon in Ohio, and withdrawn from private entry in	,
order to provide for executing the grant by Congress, by act of 24th May, 1828, of lands to the State of Ohio, for the purpose of aiding that State to extend the Mi-	
ama canal from Dayton to Lake Erie, because it did not appear whether or not the land for which the patent was claimed was situated within the limits of the reserva-	
tions, and because, if it was, the requisite notice had not been given by the register and receiver, as provided for in the regulations concerning the public lands	1402
The States to which five hundred thousand acres of land were given for internal im-	1
In a certain class of cases where the 16th section granted for schools by the act of 20th of May, 1826, has been interfered with by confirmed private claims and donations,	1515
selections of other lands may be made in lieu thereof by the Treasury Department	1683
Whatever might under other circumstances have been the effect of a non-compliance on the part of Indiana with the provisions of the second section of the act of 27th	,
May, 1824, upon the right of the State to ninety feet of land on each side of the Wabash and Eric canal, the forfeiture has been waived by the passage of the acts	
of 2d March, 1827, 27th February, 1841, 3d March, 1845, and of 9th May, 1848,	
recognising the continuing efficacy of the original grant, and evincing the intent to waive every anteredent cause of forfeiture to which the act of 1824 may have been	
subject; so that the State of Indiana has a title to the ninety feet on each ide of the	
said canal, as absolute as she would have had in the contingency of a full per- formance	2058
Such of the feeders of the said canal as are navigable, are to be regarded as constituent portions of the work contemplated in the acts of Congress, and are comprehended	
in the grants for its construction	205 8
A patent should issue to Henry M. Rector, pursuant to a certificate issued to him on the 24th of November, 1818, and located on land at the Hot Springs, in Arkansas;	
he being entitled thereto under the act of 1st March, 1843	2147
the 24th of November, 1818, and located on land at the Hot Springs, in Arkansas The grant of alternate sections of land on Des Moines river to Iowa, by the act of 8th	2147
August, 1846, extends the entire length of the stream, as well above as below the Raccoon fork	2149
The purpose of the grant was to aid Iowa to improve the navigation of the said river from its mouth to the Raccoon fork; but the grant itself is not limited to the section	
to be thus improved	2149
But the question was disposed of by a former Secretary of the Treasury whilst the Land Office belonged to his department, and the subject is now res judicata, and be-	
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to pay him \$8,000 for a vessel upon condition that the latter should deliver her in	
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ers; they must be punished in the tribunals established by law, or be prosecuted for the recovery of or value of the goods either in the State or federal courts	1689
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The liabilities consequent upon a reappointment to an office already held, do not commence until the term commences for which such reappointment is made	1224
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Any malicious publication tending to render another ridiculous, or to expose him to	
public contempt and hatred, is a libel; and in the case of a foreign public minister	
the municipal law is strengthened by the law of nations, which secures the minis-	
to manufacture as surgeneral by the law of nations, which secures the minis-	0.0
ter a peculiar protection, not only from violence, but also from insult	26
Certain letters addressed to Philip Fatio, and published, concerning the King of	
Spain and his minister plenipotentiary here, are libellous, and the editor is indict-	
able	40
A malicious defamation of any person, and especially a magistrate, by printing,	
writing, signs, or pictures, in order to provoke him to wrath, or expose him to	
public hatred, contempt, and ridicule, is a libel	40
public hatred, contempt, and ridicule, is a libel	
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The fourth section of the act of 3d of March, 1845, providing that accounts adjusted	
by the accounting officers of the treasury shall not be re-opened without authority	
of law, and that no account shall be acted upon at the treasury unless presented	
within six years from the date of the claim, does not affect applications under a	
	1719
general law for pensions Pensions are gratuities, and are not claims or accounts, within the meaning of the	1419
statute, yet when these are once placed on the pension-roll they become claims to	
semi-annual payments, which, if not asserted within six years, cannot be audited	4#10
without the authority of Congress	1713
The act does not affect claims for half-pay to officers of the Virginia State line, pro-	
vided for by the act of the 5th of July, 1832. The act of 9th July, 1789, bars the payment to representatives of moneys which have	1713
The act of 9th July, 1789, bars the payment to representatives of moneys which have	
remained in the treasury to the credit of their deceased ancestor, unclaimed since	
1781	2097
Moreover, the legal presumptions arising from the lapse of so great a period of time	
render it improper for the Secretary of the Treasury to pay claims of this charac-	
ter without special authority from Congress	2097
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Proceedings may be taken under the 1st section of the act of 2d March, 1831, against	
any person who shall have cut and removed any ship-timber from lands acquired	
by the United States.	826
No pre-emption claim set up by any person will justify the cutting of timber from	
such lands, until title to the land claimed is acknowledged by the government, or	
maintained by the judgment of the court	826
maintained by the judgment of the court	
to forfeiture, so as to give informers a right to a distributive portion of it—such	
timber being all the while, in law, the property of the United States	1633
The live-oak agent in East Florida is not entitled to the value of one half of the live-	1000
oak timber unlawfully cut from the public lands and seized as the property of the	
	1604
United States.	1034
Timber unlawfully cut and carried from the public lands remains the property of the	
United States; and when seized by the public authorities, restitution will be	1604
awarded, but not forfeiture nor condemnation	1034
Informers are only entitled to a share of the penalties and forfeitures recovered for the	
cutting, destroying, or removing live-oak, red cedar, &c., from the public lands,	1.004
not to any part of the timber	1094
Outectors of customs within Mississippi, Alabama, Louisiana, and Florida, may	

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withhold clearances from any vessels on which there is reason to believe live-oak or red cedar, cut from the public land, is freighted	1797
It is their duty, also, to prosecute for the violations of the law whenever violations	
Pre-emptioners under the act for the armed occupation and settlement of the unsettled	1737
part of the peninsula of East Florida, approved August 4, 1842, have no right to cut live-oak or other timber for any purpose other than to clear and fence their land, until after the five years' occupation shall have enabled them to acquire a	
perfect title	1738
All lands within the prescribed limits as to boundary and quantity were open to such settlement, with the single reservation contained in the third section, which prohibits any such settlement within two miles of any permanent military post of the United States, established and garrisoned at the time such settlement and residence	
	1738
improving, and enclosing the land, but have no right to cut, or to have cut, valu-	
able timber for sale or export	1738
Slave property cannot be held for damages	93
Location of lands by attorney	275
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Loans.	
Although the 13th section of the funding act of August, 1790, admits that subscrip-	•
tions may be made to the loan payable in the principal and interest of certain State	_
certificates or notes, redeemed notes cannot be used for that purpose	8
It is the duty of the commissioner of loans to forbear to act in cases where the holder of certificates of the funded debt, or his attorney, presents himself to receive divi-	
dends or to transfer the stock after notice, by attachment or private caveat, that	
an adverse claim has been filed in the office, until the law shall have settled the	
rights of the parties and given a proper direction to the course of his action	540
The certificates of the funded debt are made payable to the holder or his assignees.	
They are, therefore, on their face, assignable. Being properly assigned, the assignee stands in the place of the first holder. Holding a certificate, with an as-	
signment endorsed on the paper itself, is prima facie evidence of ownership. But	
it is only prima facie evidence, because a valid assignment may be made on a sepa-	
rate paper, which will pass the legal title without the manual tradition of the cer-	•
tificate	540
In respect to private ceveats, unless the caveators shall state the causes and grounds of them, so that they may be considered and judged of by the commissioner, they	
should be disregarded; so also where the causes and grounds are manifestly unte-	
nable	540
In cases of doubt, the commissioner is advised to send the parties promptly to a	
court of law for the settlement of their rights	540
LOCATIONS ON THE WYANDOT LANDS. As locations of certificates must be according to sectional lines, it follows that no	
proper application for a location could have been made before the Wyandot land	
had been surveyed	1762
The case of Barry and Gamble, in 3d Howard, 32, is not in conflict with this	1760
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required to be offered at sale at not less than two dollars and fifty cents per	
acre	1762
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ballast to Michilimackinac to bring away skins and furs, that place being in pos-	
session of Great Britain	109
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MAILABLE MATTER	1283
Mail routes, contracts and transportation.	1.403
The waters of the United States which are in law post-roads are those between ports	
where steamboats are accustomed to pass in a course of habitual traffic—the habi-	
tual transit constituting the regular passing from port to port required by the act	
of 1823; and the postage of letters so carried is chargeable at the same rate as for	
the transportation of letters over the established post-roads	685
Contracts to carry the mail of the United States, without stipulation as to its weight,	
include the whole mail accruing between the termini named therein, or coming into	
it from other routes, according to the arrangements contemplated when they are	
made; and, if justice shall demand extra allowance on account of the increased	
weight, it must be sought of Congress, not of the Postmaster General	966
If extra compensation to contractors shall have been paid by one Postmaster Gene-	
ral, without the sanction of an act of Congress, the money so paid may be recov-	
ered back	966
When one of two or more contractors for transporting the United States mail shall	
have been guilty of a violation of the 28th section of the act of the 2d of July, 1836,	
changing the organization of the Post Office Department and providing more effec-	
tually for the settlement of the accounts thereof, the Postmaster General may an- nul the contract and relet the route according to law	1057
Guaranties in the form prescribed by the department, but executed with the time	1401
prior to which the contract is to be executed left in blank, is not a legal compliance	
with the law requiring guaranties to be made	1983
Where proposals, in the usual form, for the transportation of the mail between cer-	
tain specified points, had been advertised and accepted without certain knowledge,	
on either side, that the condition of the roads was such that coaches could pass over	
the route, and, after trial, it was found that they were not such as to permit the	
execution of said contract, according to its terms—DECIDED, that the contractor be	
released from further obligations under it, and that he receive compensation for	
transporting the mail by steamboat, &c	1294
The acts of 3d March, 1825, and 2d July, 1836, do not authorize the payment of ad-	
ditional compensation to contractors for transporting the mail in cases where the	
time of the transit only is changed, even though additional conveyances shall be re-	
quired, but where the mail is carried between the same termini no oftener, and	• • • • •
	1328
The act of 2d July, 1836, provides for the manner in which changes are to be made	
in the terms of any existing contract, other than those having reference to additional service or increase of expedition	1208
The Postmaster General has no power to allow foreign steam-packets to carry letters	roe.
coastwise, even though he judge it expedient for them to do so	1470
The transmission by a private express of letters, packages, &c., over mail routes, is	
a violation of the acts of 1825 and 1827; and the district attorney should proceed	
to prosecute the offenders	1575
It is a fraud upon the revenue for any common carrier to be the bearer of any letters,	
except those of his employers, whether with or without recompense; and a mes-	
senger regularly going between two points, carrying letters for a fee, is a common	
carrier	1575
It is not competent for any stage or other vehicle which regularly performs trips on	
a post road, or on a road parallel to a post road, to convey letters; nor may such	
conveyance be made by any packet-boat or other vessel, which regularly plies on	
a water declared to be a post road, except in respect to the letters that may relate	
to the cargo, or some part thereof, transported by such packet-boat or other ves-	cit
sel	U3%
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post on a road established by law	- W-
horse post can be employed	652
horse post can be employed 1 Mail contractors have no authority to carry newspapers or pamphlets other than in	

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the mail, except by authority of the Postmaster General, and in pursuance of a	
contract made for that purpose	1652
Every person who aids and abets in the violation of the 19th section of the act of	
1825, is liable to the penalty thereby incurred by the owners of stages, or persons	
having charge of stages, other vehicles, packet-boats, or other vessels therein des-	
cribed; and a person paying for the transportation of a letter by such stages, ves-	1075
sels, &c., is an aider and abetter within the 24th section of the act	1019
But the 24th section of the act of 1825 does not embrace the offences denounced by	1075
the 3d section of the act of 1827	1013
Where A, who was the partner of B in one contract for carrying the mail, contracted	
individually with the department to carry another mail on another route, and gave	
B and C as sureties for the performance of the same, and a portion of the contract	
price had been along, from time to time during the existence of the contract, paid to B without objection on the part of A, whose accounts were finally adjusted be-	
fore the passage of the act of March 3, 1845, by charging to him the money paid	
to B; but who, being dissatisfied with such adjustment, on the 5th September,	
1840, applied to the Sixth Auditor of the Treasury for payment to him of so much	
of his contract price as had been paid to B; and, on being refused, applied to a	
subsequent Postmaster General, and then to Congress, without success, and again	
to the Postmaster General, for allowance of his claim—preciped, that the account	
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and may be paid out of the appropriation for the pay of militia and volunteers
allowing the difference between that and the grade in which they serve
There are no acts of Congress providing pay, rations, and expenses to militia called out by State or Territorial authority, but disbanded within their having been employed or mustered into the service of the United States previous to their dismissal; such cases, as they have arisen, having been specially provided for by special acts. The compensation of teamsters, &c., in the Florida service, was not provided for in the act of 1819, providing pay for fatigue duty in the regular army, but has been provided for specially by Congress, and may be made to the volunteers selected for that service, with the approbation of the commanding general. Company officers only are entitled to the forty cents a day provided by the 2d section of the act of 19th March, 1836. The government is not bound to pay such of the Florida militia as disbanded voluntarily, and without authority, and refused to render service. 1427 The disbanding was a virtual discharge from actual service; and, during such discharge, they were not entitled to pay as soldiers of the United States. 1427 The Executive has no authority to allow the claim of Colonel J. M. Cresey for disbursements made by him in organizing a regiment of volunteers during the war with Mexico under the authority of Major General Gaines. 2008 The joint resolutions of 1846-'47, and the act of June 2, 1848, require the troops, for which disbursements should be made, to have been mustered and received into service. 2008 MILLANDON & HODGE MILLER, CO. SAMUEL MILLER,
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with it all the incidental powers necessary to a settlement with the lessees, to trans-
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Taylor, Wilkins & Morrison are not entitled to pipes found on the premises and paid for to the preceding lessees, but only for permanent and useful improvements made by them, and which were previously authorized by the President
The grant of salt springs contained in the act admitting Illinois into the Union, includes all salt springs discovered and undiscovered to which the President of the United States has thought, and shall think it necessary to annex lands for the pur-
pose of working them, and none other
taken away by the act admitting Illinois into the Union
springs and reservations of land, exactly on the ground which had been previously occupied by the United States

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to take all proper measures to effect that object	•
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lecting the rents reserved in those leases,	950
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A patent for land may issue to John McGilvry as the head of a family registered by the name of John McGilvery, where there is no doubt of the identity of the per-	
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neral, if the question were res integra	
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reason of permanent suspension	•
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A claimant representing himself to have been impressed into the British service, after the action between the Chesapeake and Leopard in 1807, when GreatBritain and	
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non-shot	
from the act	13
A vessel under arrest, to prevent her from cruising against belligerent powers, may	
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her in custody	23
The expenses occasioned by the arrest should be paid by the owner, and be made a	
condition of the delivery; and the suit commenced by him ought to be withdrawn	29
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Acts of hostility committed by American citizens against such as are in amity with	
us, being in violation of a treaty, and against the public peace, are offences against the United States, so far as they were committed within territory or jurisdiction	
thereof; and, as such, are punishable by indictment in the district or circuit courts.	
Acts of the kind occurring in a foreign country, however, are not within the cogni-	
zance of our courts	29
zance of our courts	
ted States; wherefore, if such an offence be committed thereon by American citi-	
zens, such courts will take notice of it, and the offenders may be legally prosecuted	
in either of those courts, in any district where the offenders may be found	` 29
The offence in question being committed out of the territories of the United States,	
cannot be noticed by our courts, the offenders must be dealt with abroad, and af-	
ter proclamation by the President, will have forfeited all protection from the Ameri-	
can Government	29
It is the right of an enemy to purchase goods and instruments of war of a neutral na-	
tion, but it may be denied by a law passed; yet, if the reason of its passage were to impede the military operations of either belligerent power, and to favor the	
to impede the military operations of either belligerent power, and to favor the	20
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manana commerce with either of the nemigerent powers, is not mante with prose-	

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cution for so doing, by the municipal laws of his own State; nor is he punishable	
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the prohibited trade would operate	00
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It is not a breach of neutrality to permit a Spanish merchantman, captured as a	
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port and sold, without violating the law of nations concerning neutrality; but as	
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as the strongest considerations of expediency and safety urge him to do so, the	
better course is clearly to prohibit them	537
tion for a belligerent, or a place of depot for his spoils and prisoners	537
The building of two schooners of war in New York for the Mexican Government,	001
and being about to be furnished with guns and the usual military equipment is	
clearly within the 3d section of the act of 1818	1460
These vessels having been built expressly for the service of Mexico, which is waging	
war against Texas, the persons are liable to the penalties of the act, and the vessels to forfeiture	1460
The policy of this country is, and ever has been, perfect neutrality and non-inter-	1400
ference in the quarrels of other nations	1460
The foregoing opinion is reconsidered on the statement that the vessels were not de-	
livered, nor the property changed, within our jurisdiction; but were sent out of	
port under control of our own citizens unarmed, and that every possible precaution has been taken to insure pacific conduct upon the high seas. The doctrine is reaf-	
fimed, but it does not as fully apply to the case now presented as was supposed	
from the first statement of the case	4462
Nevertheless, although the sale is made abroad, if the vessels were equipped by	
American citizens within the United States for belligerant purposes, and for a nation belligerent to another with which ours is at peace, knowing the purposes	
for which they are to be employed, it is insisted that the equipping is repugnant	
to the lawof 1818	1462
All trading with a belligerent in snips of war already equipped for service is repug- nant to the settled policy of the United States, and to the solemn declaration of	
	3.400
Congress in the act of 1818	1402
of 1818, like that of 1794, was intended to secure, beyond all risk of violation, the	
neutral and pacific policy which they consecrate as our fundamental law	1462
The taking of a bond is recommended in this case under the 10th section of the act	
of Congress; yet all equipping within our jurisdiction of vessels of war for a belligarout by an American attendance to a purpose for which they are to be	
ligerent, by an American citizen, knowing the purposes for which they are to be	1462
employed, is unlawful. The enlistment of seamen or others for marine service on Mexican steamers in the	1100
port of New York, they not being Mexicans transiently within the United States,	
is a clear violation of the 2d section of the act of 1818, to preserve and vindicate	
the neutrality of the United S ates; and the persons enlisted, as well as the officers	1600
enlisting them, are liable to the penalties thereby denounced	1032
augmenting of their force by adding to the number of their guns, or by changing	
those originally on board for those of a larger calibre, or by the addition of any	
equipment solely applicable to war, is a violation of the 5th section of the same	1600
But the repairs of their bottoms, copper, &c., do not constitute any increase or aug-	1032
mentation of force within the meaning of the act; and the steamers themselves are	
not subject to seizure by any judicial process under it	1692
But the commanders and officers of vessels of other nations found to have violated	
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April, 1818	
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New Madrid claims, (see Patents for Lands.) ———————————————————————————————————	
Newspapers, (see Postage.)	
New Orleans, Corporation of	
The government having stipulated that the granite to be furnished from the quarries	
in Quincy, Massachusetts, for the custom-house at New Orleans, should be in- spected, approved, and the quantity thereof determined by an inspecting agent of the United States, to be designated or appointed by the Secretary of the Treasury,	
at Boston or Quincy, cannot now legally insist upon transferring the inspection and	
admeasurement to New Orleans	
adjudged and determined at that place	
Quincy, by the agent of the government there; subject, however, to the abatement of damage sustained during the voyage, or breakage in landing on the levee,	
or defect in the quality of the stone when finally delivered	
New York sufferers by fire. The persons referred to in the act of 19th March, 1836, for the relief of the sufferers	
by fire in the city of New York, before its modification by the amendatory act of	
the 5th of April, who, upon notice given by the collector, made returns of their	
losses, and tendered new bonds, which were accepted by the collector, are entitled to the full benefit of that act	
But those whose bonds were proffered, but not executed, prior to the passage of the	
amendatory act, are not entitled to the benefit of the original law	
Newton, Thomas C	
New Trial, (see Courts Martial.)	
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NIGRE. Prize to Constitution	
Noah	
Nominations. (See Appointments, &c.) Norfolk drawbridge company.	
The Norfolk Drawbridge Company have not the power to execute a contract or con-	
veyance to the United States, except with the consent of the legislature of Virginia	
expressed in a law, conferring the right to remove the bridge over the southern branch of Elizabeth river, and to enclose the road leading thereto. Nor can said	
company otherwise extinguish the rights of the public thereto	
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0.	
Oarford, Richard	
O'BANNION, MASSEY	
Ogden & Fellows	
ORANGE, Princess of. (see Extradition)	

Onnwayer Po	~~
An agreement, sanctioned by the head of the Ordnance Office, for the exchange of	ige. 863
to be sold; and to that end, a method of effecting the sale has been prescribed by the Secretary of War, by which the property must be offered first at a public auc-	0/20
Ordnance Contracts	96
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Ayres, and by him sent to the United States, and an act of Congress was subsequently passed directing the actual loss to the owner to be ascertained and paid, and the Fifth Auditor had disallowed a portion of the items claimed—HELD, that	
the owner is entitled only to the actual loss sustained.—(1 Johnson's Reps., 134; 3 Wheaton's Reps., 246; 9 do., 362; 13 Johnson, 141, 561; 2 Cranch's Reps., 64.) 1 The loss of the use of a vessel thus detained, during her detention, was the first and most direct consequence of that detention; the damage occasioned thereby is not	
constructive and consequential, but actual, positive and real	110
as the standard, interest and personal, and other expenses, are to be added; where demurrage is the standard, all necessary expenses, not relating to the use or management of the vessel, are to be allowed in addition	110
This opinion proceeds with instructions to the Auditor, as to proper allowances in case either mode of ascertaining the loss is adopted, and discusses the doctrine of damages	
OTIS, WILLIAM. The President cannot lawfully express any opinion respecting the claim of William Otis, until the accounting officers shall have passed upon and settled all the items	
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violating such a rule	
found due to him, the allowance of interest is proper	1520
able from ordinary accounts	
The stipulation contained in the treaty of March, 1836, with the Ottawa and Chippewa Indians for the right of hunting on the land ceded, and the other usual privileges of occupancy, until the land should be required for settlement, reserved its	
use for all the purposes of Indian occupancy as the same then existed	105
OTTAWA TREATY OF 1825	
absolutely agreed with the Indians to pay a certain sum to Mr. Forsyth, and they are bound to execute the treaty as made, without requiring proof of the justice of	851
OUTFIT OF MINISTERS. The fund for foreign intercourse is an annual fund placed at the disposal of the President to defray its expenses; and he is limited in respect to an outfit, only by the	JU1

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The appropriation act of 1849 takes from the President any discretion as to the amount, and requires a full outfit to be paid to Mr. Donaldson, the claimant in this case A minister of the United States to the republic of Mexico is entitled, under the acts	2032
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Parphilets and Magazines	
The power of absolute pardon given to the President by the constitution includes the power of issuing a conditional one. Yet there is great danger that conditional par-	
dons may result as absolute ones, from the difficulty of enforcing conditions after the offender shall have been released from the custody of the law	220
need not be had to the power of arrest on the original case	220
more; and there is neither any constitutional nor legal provision which requires them to be preceded by a trial, a verdict, or a sentence. They may be founded on a confession in writing	220
The power of pardon neither requires nor authorizes the President to enter into an investigation of facts, not set up nor proven at the trial, which, if true, should have been thus interposed to the indictment, after a trial, conviction, and an appeal, and decision adverse to the accused has been made by the Supreme Court of the United	
States; nor to pardon the accused	232
dition be compatible with the genius of our constitution and laws The prisoner, as an assistant postmaster, violated the confidence reposed in him in this station, and was convicted; but several benevolent individuals supplicate for clem-	314
ency on account of his contrition, reformation, &c.: a pardon recommended It is inexpedient generally for the President to exercise the pardoning power before the trial of a person charged by indictment with a crime against the United States.	643
Cases may exist where interposition before trial is proper; this case, however, does not demand it, for reasons given	660
subject for the exercise of the pardoning power. The act includes "every person" and therefore makes no distinction between slaves and free persons, who may offend against its provisions.	1626
fend against its provisions. The character of the offence, the interests of his master, and the public policy, all indicate the propriety of a pardon in this case.	1626
There not being decisive proof of the guilt of the convict David Babe, concurrent representations of various and highly respectable persons as to his innocence may be taken into consideration in determining the propriety of clemency; and if satisfactory, will abundantly justify the exercise of the pardoning power	1685
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Partners	613 1648
Specifications for inventions should be such as to convey to all the world the nature of the invention. Patents for inventions are confined by law to citizens of the United States	35 65

PATENTS FOR INVENTIONS, (continued.) Patents for inventions cannot be withheld on moral grounds, where the allegation and oath, and a suitable specification have been filed, and a model (if required) de-	age,
posited	106
model of any patented invention	106 215
show, if he can, that the specification does not contain the whole truth relative to the discovery, or that it contains more than is necessary to the effect desired; and, as the law gives this privilege, it by implication gives the right of using the specification openly and publicly in court	213 243 470
patent rights, should, upon demand, and upon payment of twenty cents per folio for the copy, be furnished with copies of specifications	470
vention within the sense of the patent law	515
In cases of doubt it will be congenial with the policy of the law to issue a patent to the petitioner, thereby giving him an opportunity of trying the validity of his right. It is not advisable to issue patents for newly-invented medicines to bear the name of	515
other popular medicines existing. In this case there can be no fair purpose for assuming a name so well known as "Anderson's Cough Drops."	552
States, patents are to be suspended	603
inventions	779 779
Where patents for inventions have been issued and afterwards cancelled by petition of the patentees, and others bearing the same date, comprising additional improvements, issued in their favor, others may afterwards issue for the additional improvements alone, taking date from the time when the second patents were issued. The rights secured by letters of patent are the subjects of judicial, not of executive	
decision. When all the laws and forms have been complied with, patents issue without inquiry as to the precise rights they confer	779
ken, including additional improvements	`779
the United States for two years	817
in the petition	857
torney of another, is the subject of a rule that must be fixed by the department An assignee of a patent for an invention cannot surrender it and take to himself a new one on new and additional specifications, except upon proof that the new specifications were invented by the patentee, and were intended originally to have been pa-	857
tented by him; and that the omission was a mistake. The oath of the inventor is requisite, for the act of Congress requires it; the mere statement of what are called corrected specifications by the patentee or his assignee, is not sufficient.	
Unless there be some error in the specifications arising from inadvertency, accident, or mistake, and without any fraudulent or deceptive intention, the patentee cannot surrender a patent which includes several distinct improvements and take out sev-	
eral new ones	

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Verifications and depositions in foreign countries to be made under the provisions of	
the sixth section of the act of July 4, 1836, before patents can issue, should not be	
made before consuls, but before competent magistrates of the country where they	1201
shall be taken, and authenticated by the consul	1321
here; all conditions requisite to a patent in this country must be complied with	
according to the laws of Congress	1291
Applications for extensions of patents for inventions must be made to the Commis-	1021
sioner a sufficient time before the expiration of the term for which they were issued,	
to enable him to give the notice contemplated by the act of 4th of July, 1836, to	
the public in that section of the country most interested adversely to them	1363
Patentees who neglect to make seasonable applications for extensions must forego the	
advantages which such extensions confer	1363
Patents for inventions cannot issue to inventors and assignees of a partial interest	
jointly, but may issue to assignees of the whole interest	1735
No provision has been made for the issue of a patent for a part of an invention to	
the inventor, and for the other part to his assignee	1735
Patents for inventions to applicants, who are otherwise entitled to them, ought not to	
be withheld by reason of the same thing having been at a prior date discovered and	
used in a foreign country; but which had neither been patented nor described in	
any printed publication	1902
It was the obvious purpose of the proviso to the 15th section of the act of 4th of Ju-	
ly, 1836, to introduce an important modification in respect to patents, that an	
American inventor might thereafter be protected against the injustice of being thrown out of the fruits of his ingenuity by the existence of a secret invention or	
discovery abroad	1969
The date of a patent issued for an invention may be corrected to correspond with a	1502
patent granted by the king of Bavaria when the mistake in that already issued	
arose from no fraudulent or deceptive intention	1692
arose from no fraudulent or deceptive intention	
exists in full force in each case, for examination and final decision, until the patent	
shall have been actually issued	2084
And whatever intervening or interlocutory opinions he may give in the proceedings	
to determine questions of interference prior to the final determination and issuance	
of the patent, the subject remains under his control until the issuance, as that is	0004
the act which finally decides the question	2054
The Commissioner has authority, therefore, to permit one of two competing appli- cants for a patent for a similar invention to withdraw and refile his application	
after he has expressed an opinion favorable to the priority of the other; and such	
intervening opinion or decision is no bar to the issuance of a patent on the new ap-	
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cant entitled to it	2094
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The trustees of Messrs. Myers & Sons, who, having been unfortunate in the business of merchants at Norfolk, made an assignment in 1819, whilst owing the	
United States about \$19,000, (which sum was afterwards reduced by them and	
their trustees to the sum of \$10,240 65, cannot properly claim that the detention	
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Officers, musicians, and privates, composing the peace-establishment, who, although	
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extent as to be disabled from performing duty any more, are within the meaning	
of the term "or otherwise," and are prima facie entitled to the charitable relief of the	
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legislature Every officer, &c., in full commission, and not on furlough, must be considered in	
the line of his duty, although at the moment no particular duty is devolved upon	
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The cadets at West Point who have been or may be wounded whilst in the line of	
their duty are entitled to be placed on the list of invalids, as provided in the acts of	004
March 16, 1802, April 29, 1812, and March 3, 1815	224
The 3d section of the act of 1812, making provisions for the corps of engineers, pro-	
vided that the cadets theretofore appointed in the service of the United States, as	
well as those who might in future be appointed, should, at the pleasure of the President, be attached to the Military Academy at West Point, made subject to the	
regulations thereof, and to be thereby consolidated with the original corps of engi-	
neers	224
Being consolidated with the original corps, they could not, therefore, be properly dis-	
tinguished from them afterwards, but were subject to be called into actual service	
whensoever and wheresoever it might please the President, and made amenable to	
the rules and articles of war	224
So that it follows, as a legal consequence, that the cadets attached to the Military	
Academy at West Point are entitled to the benefits of the provision made for	
wounds and disabilities received in the line of their duty by the 14th section of	
the act of 1802	224
by their pay as such; and therefore, until further legislation, they can receive only	
the pension to which their commission entitles them	268
It is irregular for the War Department to accept certificates of navv surgeons instead	~00
of their "affidavits," as required by the act of 3d March, 1819, regulating pay-	
ments to invalid pensioners	347
The act of the 2d March, 1821, to reduce and fix the military peace establishment of	
the United States has not repealed or changed in any manner the claims for pen-	
sions given by the analogous act of 1815 and the acts to which it refers	603
Whether or not a former Secretary of War committed an error in allowing a pension	.000
for partial instead of a total disability, the decision cannot now be reviewed	`683
An invalid pensioner, who has proved his title to a pension, and has been placed on	
the pension list, but who has omitted for more than two years to produce the proof of two surgeons as required by the act of March 3, 1819, may receive his pension	
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In order, however, to entitle him to the pension for the whole of the time past, the	100
proof must apply to his condition as an invalid at the expiration of every two	
years, and show that at those periods his disability continued	795
It rests with the President to prescribe the regulations under which a person shall be	
admitted as a pensioner, and the rate of pay which he shall receive, as well under	
the act of 1812 as that of 1802	822
He may apply it to civil officers receiving a certain amount of income from their	000
offices, whilst he exempts others from its operation	822
Hence the applicant has no absolute legal right to be placed on the pension list. If the regulations of the President applicable to those who hold civil offices exclude	
him, he cannot be placed there	822
In order to entitle the widows and orphans of the officers who are wounded and die	
, in the service of the United States to the pensions given by the act of March 3,	
1815, it is necessary that the wound should be received while in service, under	
that law; wherefore a wound received in 1814, and death in consequence of it in	
1828, will not entitle the widow or children to the pension	856
Ebenezer Eaton, who was disabled by wounds inflicted on him by an officer of the	
guard in 1813, whilst attempting to pass the guard, under the sanction of a writ-	
ten permit granted by his commanding officer, is entitled to a pension under the	
invalid pension law, provided the wounds were given without sufficient justifica-	
10	

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tion, and he had a permit to pass, and was passing the guard for some purpose	071
growing out of, or connected with, the public service	871
act to prevent defalcations, &c., had never been passed; consequently, all moneys	
which have been withheld from pensioners under the construction theretofore given to the act to prevent defalcations, ought to be refunded	1055
The act of 23d April, 1800, does not authorize pensions for wounds received in the	1000
line of duty prior to the passage of the act; nor can the act of 3d March, 1837, be	tore
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vice, by reason of wounds received in actual service, are entitled to the benefit of	
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establishment	1200
the application of some wrong principle of computation, and yet have a further	
claim against the government, the claim may set off against the said overpayment. Mr. Butler's opinion reviewed and commented on	1514
An officer who, having lost a limb in the war of 1812, was mustered out of the ser-	1014
vice upon a captain's pension, and afterwards appointed battalion paymaster, may	
be regarded as having been appointed to the civil branch of the service within the meaning of the act of 30th April, 1844, and entitled to receive both his pension and	
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his pay	1000
on and explained	1953
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Navy pensioners are included in the act of March 3, 1819, regulating payments to invalids entitled to pensions under the several laws of Congress granting them	297
A seaman disabled by punishment inflicted by an enemy for endeavoring to escape	231
from him after having been taken prisoner, is within the spirit of the act of 23d	
April, 1800, granting pensions to seamen disabled whilst in the line of their duty When a public or private armed vessel has foundered, or been lost at sea, since the	300
18th day of June, 1812, and previous to the 22d January, 1825, the widows and	
children of those who perished on board are entitled to pensions	464
In the case of a prize vessel having foundered or been lost at sea during the above period, having a crew transferred from a public or private armed vessel, the widows	
and children of those lost in the prize vessel are entitled to pensions	464
So also if a boat have been despatched within that period, from a public or private armed vessel, on any duty, and those on board were drowned, the widows and	
children of the persons lost are entitled to pensions	464
The widow of a person who has died by reason of a wound received while acting in the line of his duty, serving on board a private armed vessel, is entitled to half	
the monthly pay to which the rank of the deceased would have entitled him	
for the term of five years; but in the case of her death or intermarriage during	
the said term of five years, the half pay for the remainder of the term goes to	481
It is a vested right for so much money per annum for five years, subject to be dis-	~.
continued and defeated by her death or marriage at any time within that term.	
but only from that time; and if the widow has neglected to receive all her dues from the government up to the time of her marriage, before marriage, she may	
claim it afterwards	481
All the laws giving pensions to widows and children on the navy pension fund take the half-pay of the deceased officer, seaman, or marine, as the measure of the pen-	
sion; so that twenty years' pension can only equal twenty years' half-pay	543
The husband of a woman, after her marriage, in her right might receive that portion.	
of the pension which accrued to her during her widowhood; but all the laws dis- continue the pension on her marriage, so that nothing can accrue after that event.	543
It is the manifest policy of the law, and it has been the uniform practice of the depart-	
ment, to discontinue pensions to children after they have attained the age of 16 years. The first section of the act of 1828 does not extend all provisions given by the law of	543
1814, but such part of them only as, under the operation of that act, has been as-	
1814, but such part of them only as, under the operation of that act, has been assigned or belonged to the widow and children of those officers, seamen and ma-	
rines who had been killed in battle, or who had died of wounds received in battle, during the late war.	543
So iar, and so iar only, as the act of 1817 operated to give pensions to the widows	
and children of officers, seamen and marines, who died in the naval service during	

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the late war, in consequence of disease contracted and casualties and injuries re- ceived in the line of their duty, those provisions have been continued by the acts of 1819, 1824, and 1828, and are so far embraced by the first section of the last men-	_
A pension can be allowed to a widow who was or had been within one year before, in the receipt of a pension under the acts of 1814, 1818, or 1824, but not to the	543
children, the second section of the act of 1828 making no provision for children, but for widows only	543
war, of wounds received during the war, are entitled to a renewal of their pensions under the act of 1819. Persons who served on board of privateers are not embraced by the pension law of	725
1832. The language used in the act implies to those only who were in the immediate service of the government, and formed a part of the public naval service The widow of John M. Gardner, who died of a disease contracted during the war of	830
1812, and who received a pension under the act of 1817, which was continued under the acts of 1819 and 1824, cannot be required to refund the moneys, though the same were erroneously paid to her, which she received under the last mention-	
ed acts; nor can they be set off against the pension which she is entitled to receive under the act of 1832	831
under decisions of the tribunals established to decide on their rights	831
personal disability which renders the individual less able to provide for his sub- sistence. The act of July 10, 1832, devolved upon the Secretary of the Navy the duty of de-	838
ciding whether the disability is such as to entitle applicants to admission on the roll of navy pensioners, and what amount they shall receive	839
rant an application to be admitted on the roll, is that degree of personal disability which renders the individual less able to provide for his subsistence	840
ject	840
of the Navy The applicant, Mrs. McCormick, is entitled to her pension during the time she remained the widow of Lieutenant Leary. (See opinion of Attorney General of June	840
9, 1825; to which reference is made for a settlement of the practice of the government in this respect.)	842
the pension list—the laws respecting the navy fund not making any provision for such a case	919
3d March, 1835, fixing it at four thousand dollars per year, and died, leaving him surviving a widow, who demands a pension under the act of 3d March, 1817, giv-	-
ing half-pay, &c., to widows—HELD, that the amount of the widow's pension must be regulated by the act of 1835; deducting all allowances usually made for all rations except one from the said four thousand dollars, and paying her one-half of the residue	958
The foregoing opinion advises the deduction of only fifteen of the sixteen rations allowed Commodore Henley at the time of his death; and as the act of 1835 allows one ration only per day besides annual pay, all the other rations and perquisites	
which are merged in the sum of four thousand dollars should be deducted, in order to ascertain what was really intended to be allowed for pay proper	960
ply for them before their marriage, they are concluded	990
an officer within the act of 1813,) is entitled to a pension. (See opinion of Attorney General of March 31, 1835.)	1013
of 1813, she is referred to the act of 3d March, 1817, as all rights under that law are saved, although the act has been since repealed	1013

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The right of a widow under the act of Congress to so much money per annum on the happening of a certain event is vested, and not defeated by her subsequent	
marriage only from the time of the marriage. (See opinion of 9th June, 1825.). The result is that the applicant is entitled to a pension of the years prior to the act	
of the 30th of June, 1834, and under it to a pension of five years, to commence on the day of the passage thereof	1013
Widows of officers, seamen, or marines are not entitled to pensions under the act of 3d of March, 1837, who remarried before the passage of the act	
Children of decedent officers, &c., whose widows married before the passage of the act, are entitled to the half-pay granted by it until they arrive at the age of twenty-	
one years	1095
of June, 1834, concerning naval pensions and the navy pension fund Navy agents are neither officers, seamen, nor marines; nor are they in the naval ser-	1096
vice, within the meaning of the law	1096
Under the act of 3d March, 1837, the daughter of a deceased sailing master, who was paid a pension under the act of 3d March, 1817, until she was sixteen years	
old, is now entitled to five years' additional pension, notwithstanding she is now over the age of twenty-one years	1097
Where the widow of an officer of the navy died before the passage of the act of 1837, her representatives can take nothing by the act, as no right to a pension vested in	
her Widows of officers, seamen, or marines, who remarried before the passage of the	1032
act of 3d March, 1837, are not entitled to pensions under that act, but their children are.	1099
Grandchildren are not included in the law for the more equitable administration of the navy pension fund	
But the children (the widow being dead) take in equal moieties from the death of the	1100
father until the death of one of them, or until they arrive at the age of twenty-one years. Where, as in this case, one of the children died before the other arrived at	
the age of twenty-one, the latter is entitled to the full pension from her death until that time.	1100
The act of the 3d March, 1837, for the more equitable administration of the navy	1100
pension fund, ought not to be so construed as to include cases where the death oc- curred anterior to the date of the law by which the fund was established	1129
The second section of the act of 3d March, 1837, for the more equitable administra- tion of the navy pension fund, adopts the pay of the navy as it existed on the 1st	
day of January, 1835, as the standard for all cases coming within that section	1159
A steward serving on board a ship of war is borne on the ship's books as one of the crew, and as such is amenable to martial law, and is therefore a seaman; and,	
under the proper circumstances, his widow is entitled to a pension	1159
to be made to appear that the death occurred in the naval service, provided it appear to have been occasioned by a wound received whilst in the service and line	
of duty	1182
Upon a re-examination of the several acts giving pensions to the widows and child- ren of officers having died of wounds received whilst in the line of their duty, it is	
decided that the death must have occurred whilst the officer was in service in order to entitle the widow and children to the bounty	1101
Arrears of a pension due a navy pensioner at the time of his death must be paid	
over to his legal representatives. It does not revert to the navy pension fund The widow of a surgeon in the navy who was commissioned in 1811, resigned in	1256
1824, re-appointed in 1827, and who died in the service in 1832, is entitled, in respect to the time which is to determine its amount, to a pension only under the last	
appointment	1279
Commodore Porter, who is borne on the pension-roll at the rate of forty dollars per month, is entitled both to his pension and his regular pay as minister at Constantinople	
where the husband of the applicant, Commodore David Porter, in his lifetime, ap-	149 4
plied for a pension for disability incurred in 1803, and the same was allowed by the proper department, at the rate of forty dollars per month, to take effect from	•
the 24th day of January, 1825, when he retired from service in the navy; and then,	
in 1839, made an application for arrears from 1809, under the provisions of the act of 3d of March, 1837, and received a reply from the Secretary of the Navy, decid-	
ing that there was due him a pension, at the rate of twelve dollars and fifty cents per month, from 1803, when his disability was incurred, to the 24th of January,	
har successed morn roads assessment and microtical to mic visit of languals.	

PENSIONS, NAVY, (continued.) 1825, but did not receive the same in his lifetime; and the widow applies for it after his death—HELD, that such allowance exists in the form of a debt due to the estate of Commodore Porter, and the legal representatives are entitled to receive	ŗe.
it) [
his administrator if he has died intestate	27
fice of quartermaster, and entitled to sixty dollars per month, at the time of his death, is, in the opinion of the Attorney General, entitled to half-pay 165 But, as a committee of the Senate have taken a different view of the law, and have	i4
made a report against her, a gratification of the claim is not recommended to be made until a legislative interpretation shall be given to the laws	54
section of the act of March 3, 1837, and no allowances can now be made under it. 168 It was continued in force temporarily by the act of August 16, 1841, in regard to cer-	3 0
tain cases; but was revoked by the act of 1842, leaving no remedy for those cases except in an application to Congress	10
the acts of 30th June, 1834, and 15th June, 1844, but only to the remainder of the five years' pension not received by the widow during her lifetime)3
duty and in receipt of his pay as an officer of the navy	
The Attorney General reconsiders his opinion of the 24th ultimo, and advises that no officer can receive at the same time pay as an officer on duty and as a pensioner 185	
That officers who may be waiting orders, or on leave or furlough, can receive on account of their pensions only so much as, when added to their pay when on leave, &c., will amount to the pay of their grade when on duty	7
The acts of Congress granting pensions to widows of officers, seamen, and marines, who have died whilst in the service, or from disease contracted or injuries received whilst in the line of their duty, do not include cases of widows of engineers in the	
navy appointed pursuant to the act of 1842	
Pensions to widows of officers, seamen, and marines, when allowable, commence from the date of the passage of the act (1834) in cases where the death of the hus-	v
band occurred prior to that time, and from the death of the husband in all other cases	16
braces all such widows and children as were receiving pensions under any of the laws of Congress passed prior to the 1st of August, 1841	
time within five years prior to the passage of the act	
As Congress neglected to provide, in terms, for widows of second lieutenants of marines in the second section of said act, it may be inferred that it intended to refer, in the provision, to lieutenants without any other designation	
The act of July 10, 1832, transferred to the Secretary of the Navy all the powers theretofore possessed by the commissioners of the navy pension fund to make reg-	Đ
ulations for the admission of persons upon the roll of navy pensioners, and for the payment of such pensions	7
cording to the regulations in force, when the pension of an applicant shall commence	
time of completing the proofs, it will be very difficult now to depart from it 1977 The joint resolution of Congress, passed 10th August, 1848, placed the officers of the marine corps, who served with the army in the war with Mexico, on an equal	1
The phrase "other remuneration." employed in said resolution, must be understood	
to refer to pensions	
of their limbs whilst fighting side by side in the same service	

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The rule of the Pension Office that an application for a pension cannot be entertain-	
ed after the lapse of twenty-five years from the time when the disability was in-	
curred, is unauthorized by law, and therefore invalid	1990
The power conferred upon the Secretary of the Navy to establish rules and regula-	
tions for the examination and adjudication of claims for admission upon the roll,	
does not authorize the enactment of a statute of limitations	1990
The commissioners of the navy pension fund were authorized and directed to make	
such rules and regulations as should appear to them expedient for the admission of	
persons on the voll of new mentioners and for the newment of such pensions a and	
persons on the roll of navy pensioners, and for the payment of such pensions; and	
they having provided that pensions are to commence from the time of completing	
the proofs, and the same having been continued since their powers were transfer-	
red and devolved upon the Secretary of the Navy, the practice should be adhered	
to 5	2028
It may be doubtful whether the provisions of the 2d section of the act of 4th Febru-	
ary, 1822, though general, are not to be confined to cases of claims for revolution-	
	2028
ary pensions	9098
The rule of the Pension Office that an application for a pension cannot be entertained	
The title of the 1 classon of the class of t	
after the lapse of twenty-five years from the time when the disability was incur-	
red, is unauthorized by law, and therefore invalid	2140
The power conferred upon the Secretary of the Navy to establish rules and regula-	
tions for the examination and adjudication of claims for admission upon the roll,	
does not authorize the enactment of a statute of limitations	2140
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The form prescribed in the 1st section of the act of 18th March, 1818, in relation to	
certain indigent persons who performed duty in the land and naval service of the	
United States during the revolutionary war, to verify the amount of property of	
three states utiling the revolutionary war, in verify the amount of property of	
the applicant, except the oath of the party and the certificate of the clerk, must be	000
gone through with in open court of record	230
It was the intention of Congress to make the amount of the schedule the test of the	
indigence of the applicant; and that, consequently, the relief given by the former	
act is to be continued in every case in which the schedule shall exhibit proof of	
such indigence—that the income of the property is inadequate to the support of	
the applicant	230
Pensions under the act of 15th May, 1820, do not commence until the testimony in	
the case shall have been taken, authenticated and in all respects completed, as the	
and is required to be in order to its reception at the department	200
same is required to be, in order to its reception at the department	366
By the term "until the end thereof, (t. z. the war of the Revolution,) contained in	
the pension act of the 18th March, 1818, is meant "until the treaty of peace was	
ratified."	458
The preliminary articles provided that there should be a peace when the terms of a	
peace should be agreed on between Great Britain and France, and his Britannic	
Majesty should be ready to conclude it; but as they were only preparatory to a	
peace, there was no peace, in contemplation of the law, until the war of the Revo-	
tion terminated, by the ratification of the treaty in 1783	458
The provisions of the act of 31st May, 1830, are altogether prospective, and do not	100
and being the water and of the investid none and account which may have been de	
authorize the repayment of the invalid pension money, which may have been de-	
ducted by the practice of the department, under the act for the relief of certain sur-	
viving officers and soldiers of the army of the Revolution. They authorize de-	
ductions to be made thereafter, but not repayment of such as have been made	
theretofore	711
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tion of the act of 15th May, 1828, which is confined to the surviving officers of the	
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Styled the "Living Age" be rated as a magazine	1740
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Executive is vested with a discretion respecting the manner in which friendly re-	
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February, 1819, although the husband of an Indian woman	717
in fee, (not a reversion,) subject to the dower of the mother, and is liable to be defeated by the determination of the precedent estate by removal of the reservee A survey of section sixteen, in fraud of the treaties, does not divest the title of the	717
United States, and consequently does not give the State a right to select another section in lieu thereof	717
Where a part of section sixteen is disposed of, the State is not bound to select the residue, but may take equivalent on other sections. The act of selection of a section in lieu of section sixteen, is that by which the tract becomes appropriated for	~
A valid pre-emption under act of 1829, however, cannot be avoided by the selection. Under the treaties of 1817 and 1819, with the Cherokees, the reservees therein could	717 717
not properly locate their lands outside the limits of the cessions, respectively; but,	
as some of the reservations of 1817 were located within the lands ceded in 1819, and were included in the unceded lands under the latter treaty, these cases are to stand on the same ground as other reservations under the treaty of 1817, and	

	Page.
But no provision has been made for those whose reservations, under treaties of 1817	
and 1819, were located within the cessions of 1835 and 1836; and, as such reservations are not within the 13th article of the treaty of 1835-36, they were unauthor-	
ized, and not to be paid for as improved lands; but the holders are only entitled to	
	1183
Reservations claimed under former treaties, not being ceded by the first article of the	
last, are not within the words nor intentions of the 9th article of the last; hence	
the reservees who may be entitled to compensation under the 13th, cannot claim	
pay under the 9th article for improvements on the same reservations	1183
But those who were to receive grants for their reservations are entitled to pay for the	
soil and the improvements thereon	1183
The children of the reservees, under the 8th article of the treaty of 1817, were enti-	1109
tled to reservations in fee-simple	1103
come citizens; and, until their election to stay, the reservations do not vest in	
them or their children	1545
No compensation ought to be made for ferries held by the tribe beyond the time	1010
allowed for their residence; and the same rule applies to those held as franchises	
	1545
RESERVATIONS UNDER CHEROKEE TREATY OF 1835.	
The first and second classes of Indian reservees provided for in the thirteenth article	
of the treaty of December, 1835, with the Cherokees, are entitled to compensation	
in money in lieu of their interests, notwithstanding the supplementary articles con-	
cluded after the refusal of the President to allow pre-emptions	1163
In respect to the third class there is doubt; yet the Attorney General, on the whole,	
concludes that the reservees of that class are also entitled, individually, to com-	1163
pensation in money	1109
not out of the supplementary fund; but that to the third class must be paid from	
the \$600,000 set apart in the supplementary articles.	1163
the \$600,000 set apart in the supplementary articles	
tions in certain cases	1163
This opinion explains that delivered on the 6th day of December last in respect to com-	
pensation, and re-asserts that persons entitled to pecuniary compensation for reser-	
vations under the 13th article of the treaty, are not entitled under the 9th article	1160
for improvements on the same reservations	1100
The balance of the fund of \$600,000, after defraying from it the expenses of removal, which is the first charge upon it, was that designated by the treaty for the satisfac-	
tion of the various claims provided for therein; if insufficient, to be rateably dis-	
tributed, and the balance to be charged to the general fund of \$5,000,000	1168
There is no occasion for dividing the \$600,000, as the several agreements concerning	
compensation and spoliations are to be considered as one treaty	1168
RESERVATIONS UNDER CHICKASAW TREATIES OF 1834.	
As many surviving Indian wives as were heads of families at the making of the	
Chickasaw treaty of 1834, (though wives of the same Indian,) are entitled to the	000
reservations made in the fifth article thereof.	993
A widow keeping house, and having children or other persons residing with her, is	
the head of a family, within the meaning of the fifth article of the treaty. If her children, or other persons residing with her, however, are provided for in the	
sixth or eighth articles, they cannot be included in the family enumeration	988
Widows keeping house without children or other persons residing with them, are,	
if they own slaves, entitled to the section, or half section, according to the number	
of their slaves, given by the fifth article	988
The lands of the Chickasaws were put on the same footing as the public domain, and	
are therefore not subject to private entry until the same shall have been proclaimed	• = 00
to be in market	1580
be permitted until after the proclamation is made that the lands are in market	1590
The reason of this rule applies in all cases where, from any cause, land has been tem-	1300
porarily taken out of commerce	1580
The words of the 10th article of the treaty, concerning the gradual fall of the price,	
did not contemplate a fall to be regulated by mere lapse of time	1580
The plain sense of the provision is, that lands, after having, with due notice, been	
one year exposed in open market, at a fixed price, may be for another year offered	
at a reduced price, and so on	1580
But private entries are not in order until the lands shall have been proclaimed to be,	
and shall have been, properly put in market. Lands which have never been in	

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RESERVATIONS UNDER CHICKSAW TREATIES OF 1834, (continued.) commerce at all, cannot be treated, at the end of the term designated in the trea-	age.
ty with the Indians, as lands for which nobody would bid	1580
RESERVATIONS UNDER CHOCTAW TREATY OF 1830.	
The fourteenth article of the treaty provides for those who desire to remain and become citizens of the United States, and their title is made to depend upon a resi-	
dence of five years on the land with the intention of becoming citizens	784
The nineteenth article provides absolutely for those who may not desire to remain	-04
and become citizens of the United States	784
supplement to the Choctaw treaty of 1825, although the same is derived only by	
construing both instruments together as forming but one treaty	786
The reservations are absolute; and the power to sell must be implied, to give them	700
A mistake in the Christian name of a reservee may be explained by parol; yet, as	786
precedents are to the contrary, a reference to Congress is recommended	786
The sale may be approved either before or after survey, at the discretion of the President; who also has power to accept a relinquishment of title from any chief,	
and to pay fifty cents per acre	786
Where a reservee entitled, under the treaty of Dancing Rabbit creek, to two sections	100
of land—the one to include his improvement, and the other to be affout, had built	
and paid for a house on section 31, in township 16, range 1 east; and had no other	
improvements in the nation, but resided with his mother on another lot—HELD, that his residence with his mother does not deprive him of the right to the said section	889
Under that treaty, where two reservees shall be found to have improvements on the	000
same lot, the same may be divided, and the deficiency made up from contiguous	000
The reservees named in the supplement to the Choctaw treaty of September 27, 1830,	889
may, with the approbation of the President, sell and convey their reserves	997
Patents must issue under the fourteenth and nineteenth articles of the Choctaw treaty	
of 1830, and the Chickasaw treaty of 1834, in order to divest the United States of	998
Patents for reserves, under the former, may issue to Indian residents or assignees;	330
under the latter only to the reservees	99 8
The reservations under the Choctaw treaty of 1830 may be located on the sections	
granted in the act of March 2, 1819, to Alabama for the use of schools, notwith- standing said act, for the reason that the United States could only grant subject to	
the Indian right of occupancy. The contingency was provided for in the author-	
ity given for the granting of equivalent contiguous lands where section sixteen was	1000
disposed of	1003
In the event of the death of reservees, under the Choctaw treaty, before the expira-	
tion of the five years' residence upon the land, required as a condition precedent to	
a grant and fee simple, the interest is not defeated, but goes to those persons who, by the State laws, succeed to the inheritable interest of individual Indians	1097
The grant of the reservation is the essence of this provision of the treaty, and the di-	1001
rection as to the manner in which the same shall be located ought not to be so con-	
strued as to defeat the grantLocations of sections, or parts of sections, should be made by taking the whole, half,	1040
or quarter sections, as the case may be, without breaking up the legal divisions or	
disturbing sectional lines	1041
In this case, the reservee is entitled to the half section on which his improvement is	1041
located, and the whole of that chosen for the balance	1041
evidence, documentary or oral, coming from any disinterested source, which may	
tend to establish the fact that heads of families signified to the agent, within due	
time, their intention to remain and become citizens of the States	1055
their intention to remain and become citizens of the United States, or a valid ex-	
cuse for non-residence, entitles them to grants pursuant to the treaty; and such	
grants when made are paramount to pre-emption and all other claims	1209
The War Department, however, should endeaver to avoid interference with the rights of settlers whenever it can be done consistently with the provisions of the treaty	1209
The only requisites to a title to reservations under the treaty of Dancing Rabbit	
creek, indicated in the treaty, are, that the persons applying be Choctaws and	
heads of families, and shall signify their intention of becoming citizens of the States within six months from the ratification of the said treaty	1028
Whaere a Choctaw reserves conveyed his reservation to D., in trust, to sell and ap-	TWOO
• • • • • • • • • • • • • • • • • • • •	

RESERVATIONS UNDER CHOCTAW TREATY OF 1830, (continued.)	Page.
ply the proceeds to the payment of a debt owing by the reservee to A. and R.,	
who thereupon soll a portion of the land, and with the proceeds paid a part of the said debt; and, at this stage of the affair, the reservee died, leaving two chil-	
dren, whose guardian, under pretence that he was acting for the children, bought	
the residue at a sum far below its value, who, after taking H. into partnership	
with him, conjointly with him sold the land to Banks and Lewis, without the con-	
sent of the President, and refused to pay over any part of the proceeds to said	
children-peciden, that the President ought not to give his approval to the sale to	
said Banks and Lewis, as it would probably deprive the children of their inherit-	1210
The approval of the President to a sale of a Choctaw reservation is required only to	1312
contracts between the Indian reservees and their vendees	1493
The patents ought to issue to the first vendees in trust for the equitable proprietors,	
or subsequent assignees, and bear on their face a declaration	1493
The reservations under the Choctaw treaty, of "sections," refer to quantity; but	
that is to be taken and patented in reference to the established system of our land surveys, in parallelograms of fixed extent and uniform character	1498
The claimant in this case is entitled to 640 acres, but cannot take it by smaller sub-	1430
divisions, at his will and pleasure; he must be made to conform to the land laws.	1498
The patents heretofore issued to the parents of Choctaw children, for such children	
must stand for what they shall be found by the judiciary to be worth; but patents	
for reservations to Indian children, under the 14th article, hereafter to be issued,	
should be made to the children, and not to their parents; care being taken that they show, on their face, that they are issued to the children independently of	
their father, in fulfilment of the 14th article of the treaty of Dancing Rabbit	
Creek	1539
The President has power to cause the lands reserved for orphans under the treaty of	
Dancing Rabbit Creek to be sold, and to cause patents to be issued to purchasers	
He may, on application of the orphans for whom the provision was made, cause	
the proceeds of land located for them to be applied to some beneficial purpose for their benefit.	1686
Wherefore, the sales already made of these lands are valid	1686
By the treaty of Dancing Rabbit Creek, if any portion of a section on which a	
claimant under the 14th article of said treaty resided at the date thereof had been	
sold by the United States prior to the passage of the law of 1842, the commis-	
sioners were not authorized to award to said claimant scrip instead of land, unless it was then impossible to give to said claimant the quantity of land to which he	
was entitled, including his improvements, or any part thereof, on the adjoining	
lands	1697
If two or more claimants under the 14th article resided, at the date of the treaty,	
upon the same section, and a portion of it had been sold by the government; there	
existed no authority to issue scrip, unless it were impossible to give them the quantity of land to which they were entitled, including their improvements, or	
any part thereof, agreeably to the terms of the 3d section of the act of 1842, on	
adjoining lands	1697
A claimant who, having complied with the 14th article, has been expelled from or	
induced to leave his land by the fraud of the government or its agents, and kept	
out of possession by a sale thereof by the government, has not forfeited his	1697
rights	1031
separate articles—one for 640 acres, upon conditions with which he complied, and	
another for 320 acres—his acceptance of the larger grant, if prior in point of time,	
will render the smaller grant unavailing; and where the smaller was made first,	
the larger will be available only for the excess	1697
Locations under the 19th article, before the passage of the act of 1842, worked a forfeiture under the 14th in certain cases	1697
All assignments, or agreements to assign claims, under the Choctaw treaty of Dan-	100.
cing Rabbit Creek, previous to the expiration of five years from the ratification	
thereof, are causes of forfeiture, without reference to the consideration upon	
which they may be founded; and these matters are specially cognizable by the	1.000
commissioners, whose judgment respecting such assignments is conclusive The same Indian cannot be allowed a claim under both the 14th and the 19th article	1093
of the treaty of Dancing Rabbit Creek. (See opinion of Mr. Taney, given 9th of	
September, 1831, which settled the construction which has ever since been ad-	
hered to.)	1769
A claimant under the 14th article of the treaty, who complied with its requisitions,	
and who was expelled from his land by the force or was induced to leave it by the	

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RESERVATIONS, (continued.) ment who induced claimants to apply for a reserve under the 19th article, and which were located for them, but for which patents have not been demanded	Page.
nor issued	1769
Congress. The 3d section of the act of 1842 authorizes the examination and allowance of claims	
under the 14th article of the treaty, and the proviso contains nothing to affect them. As the official acts of President Van Buren and his successor in office, in relation to the confirmation of sales of reservations under the treaty of Dancing Rabbit Creek, were predicated on a construction of that instrument which forbids certain sales; and as certain questions arise which ought to be adjudicated, it is recommended that a case to test the validity of sales made by the Commissioner Brown,)
be brought before the Supreme Court	
with the requisitions of law	1809
continued the residence therein required, is entitled to a patent, although the agent, whose register a former Executive declared to be the evidence in such cases,	
failed to make the necessary entry, inasmuch as a subsequent agent did make entry of the facts and location, and certified them to the General Land Office	2097
The treaty under which the right has accrued, is silent concerning any such register as that required to be kept by the agent	
RESERVATIONS UNDER CREEK TREATY OF 1814. The reservees under the Creek treaty of 1814, and the act of 1817, have not power	•
to lease their lands; the renting for a term of years and removal from the State may be regarded as an abandonment of their reservations	1119
On their abandonment, the title becomes immediately vested in the United States by operation of law, and is to be then treated as if then for the first time acquired by a	
RESERVATIONS UNDER CREEK TREATY OF 1832.	
The twenty-nine sections reserved to Creeks under the treaty of 24th March, 1832, may be lawfully located either before or after assignment thereof by the tribe, except in respect to locations before assignment. Should any of those sections be	
located to persons who possess improvements net already allotted to them under other provisions in the treaty, such persons will be entitled to insist that the tracts assigned to them shall be located in such manner as to include their improve-	ļ
ments	941
March 24, 1832, must have patents to complete their title	992
them the purchase money, are fraudulent and void	1138
other Indians, and patents may be withheld	1138
to whom the tribe had assigned a portion of the twenty-nine sections reserved under the 6th article of the Creek treaty of 1832	1157
of returning and occupying them as their place of residence, is an abandonment, which gives the right of possession and occupancy to the United States	1226
The right of the United States accrues and becomes complete immediately upon such an abandonment.	1226
On completion of payment for Creek reserves conveyed by the reservees to other persons, certified by some person appointed by the President for that purpose, and approved by the President himself, patents must issue to the purchasers	1242
It will not be a compliance with the treaty of 24th March, 1832, to issue patents in such cases where the right is controverted to the original reservees to abide the re-	
sult of suits and to inure to the successful parties	
government, has not forfeited his rights under the treaty and law of 1842 Nor has any forfeiture resulted from the fraudulent acts of the agent of the govern-	1769

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RESERVATIONS UNDER CREEK TREATY OF 1832, (continued.)	age.
are not valid when executed by one member thereof, but only when executed by	•
all, unless the partner assigning exhibit authority to assign from all	248
transfer by the firm was signed in that manner, the assignment is valid, and the patent may issue to the assignee	1248
Where there are two assignors, and both names to the assignment are in the same hand-writing, the assignment is invalid as to him who did not sign, unless the	
other exhibit authority	1248
endorsed thereon, the endorsement of the name of the purchasers on the approved	
contracts is evidence of their having disposed of them; and possession by others is sufficient evidence to warrant the issuance of the patents to those having pos-	1040
session of the approved contracts	1240
subject to any rule made after they were executed	1248
Possession of a contract is not sufficient evidence of a legal transfer	1248
to be withheld from sale, and the lawful administrators sold the reserves, and paid	
over the proceeds (less the expenses) to the Indian widows, as the heirs, and the question of other heirs being now raised, in opposition to the confirmation of the	
sales to the purchasers, who have paid the consideration money therefor once in	
full—pecipes, that the purchasers are entitled to the confirmations which they ask, and should not be required to pay a second time any portion of the purchase	
menev	1352
If the distribution of the proceeds were illegal, it ought in nowise to affect the bona fide purchasers	1359
Heads of Creek families who otherwise would be entitled to a patent for land in Al-	100~
abama, have not forfeited their right to the same by having become residents and	
citizens of Georgia, before the expiration of five years from the time when his re- servation was selected	1357
The President of the United States may properly confirm sales of Creek reservations	
made by administrators pursuant to the orders of courts having jurisdiction, whether the distribution of the proceeds among the heirs shall have been correctly made	
or not; provided the purchaser shall have paid in the purchase-money in good	
faith to the administrators or legal representatives	1364
tence, or the administrators themselves were the purchasers, and having not ac-	
counted for the purchase-money, sales ought not to be confirmed	1364
Patents for reserve lands under the Creek treaty of 1832 are to be issued to purchasers, owners, assignees, or transferees; and claimants must show themselves to be	
within the description of persons entitled, by exhibiting authentic evidence of the	3.000
The transfer to the claimant, in this case, by the attorney-in-fact of the Columbus	1398
Land Company, unaccompanied with evidence of the title of said company, is not	
Land Company, unaccompanied with evidence of the title of said company, is not sufficient to authorize the issuing of a patent to him	1398
satisfactory proof of genuineness and fairness, is sufficient to authorize the issuing	
of a patent	1398
their authority, are valid; yet, before the Commissioner of the Land Office gives	
effect to them, he should have satisfactory proof that such agents have acted with-	1200
in the compass of their authority	1330
of the State of Alabama has been complied with; such having been the practice	1518
Attorneys General Butler and Gilpin having so advised, and the department having so conformed its practice, it may be considered res judicata	1518
It is inexpedient, always, to disturb the settled practice of the executive departments,	
especially so in respect to questions about which there is any doubt The former opinion, on new facts stated, and assurances that the practice has not con-	
formed to the opinions of Attorneys General Butler and Gilpin, reconsidered, and held	
that in all cases where the provisions of the treaty have been fufilled, the sales shown to have been fair, and the consideration adequate, the sales may be confirmed, even	
though, under the law of Alabama, they may have been informal and irregular	1519
Congress was competent to pass, and did pass, an act conferring original authority upon administrators to make sales, without reference to the law of Alabama	1519
The names of assignors need not be written in full in assignments of Creek Indian	1010
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RESERVATIONS UNDER CREEK TREATY OF 1832, (continued.) contracts; and the fact that they do not import a consideration does not render	age.
them insufficient.—(See opinion of Attorney General Crittenden, of 26th July,	
	1525
Where an Indian reservee under the 2d article of the treaty of 24th March, 1832,	
contracted to sell his reservation to A, who paid therefor \$100, and then permitted	
B. to go into possession thereof; and A afterwards died, and B, offering to pay	
the balance of the valuation of the land, claims a patent—pecipe, that B may be regarded as the last bona fide transferee within the act of 1848, and that a patent be	
issued to him on payment by him of the balance of the purchase money	1794
RESERVATIONS UNDER MIAMI TREATY OF 1826.	
As the treaty with the Miamies contained an agreement on the part of the United	
States to grant to certain persons each a quarter section of land out of the territory	
ceded by it, to be located by the President, no other parcels than those defined can	
be substituted for them; for the President must execute the treaty according to its stipulations	852
The President of the United States may properly give his consent and approval to	002
the conveyance by will made by Indians La Gros and Waises-kea, his daughter,	
to General Tipton, to four sections of land reserved to said La Gros in the treaty	
with the chiefs and warriors of the Miamies, concluded 23d October, 1826, subject	
to all legal questions in respect to the capacity and right to make conveyances by	909
will, and to the execution, validity, and effect of those instruments	898
persons in any case—quere	898
RESERVATIONS UNDER OTTAWA TREATY OF 1821.	
A general approval endorsed on an Indian's petition for authority to alienate his re-	
serve under the treaty with the Ottawas, &c., of the 29th of August, 1821, is a	
valid consent—such having in 1822 been the mode adopted by the President for the exercise of his supervision	1105
RESERVATIONS UNDER OTTAWA, CHIPPEWA, AND POTTAWATOMIE TREATY OF 1829.	1100
Patents are requisite to divest the United States of title to the Ottowa, Chippewa, and	
Pottawatomie reserves, and should be so issued as to disclose the estate granted.—	
(See opinions of the 19th instant and 26th ultimo, on the subject of Indian reser-	1000
vations.)	1003
The President's consent to sales of land reserved to the Indians by the Pottawatomie	
treaty of 16th October, 1826, and the Miami treaty, concluded on the 23d of the	
same month, is only necessary in cases where the sales shall have been made by	
Where the recognized whell have died, and sales are made under or ender of court	1819
Where the reservees shall have died, and sales are made under an order of court granted pursuant to the laws of the State in which the lands are situated, the Pres-	
ident's consent is not necessary to their validity	1819
. Those treaties not only extinguished the Indian right of occupancy, but granted the	
reserved lands as effectually to all intents and purposes as if patents had been is-	
sued to the, so called, reservees; and as the State laws are operative upon lands	
thus held in fee-simple, and have acted upon those in question in causing their	
transfer for the payment of the debts of their decedent owner, the title of the pur- chaser is perfect without the President's consent	1819
But as the rights of the heirs cannot be affected injuriously by the giving of the Exec-	2020
utive consent, as the sale, in this case, appears to have been fairly made, and for a	
satisfactory price; and as it may possibly relieve the title from doubt, and thereby	-0-0
prevent litigation, it may nevertheless be given	1819
RESERVATIONS UNDER POTTAWATOMIE TREATY OF 1832. The reservations to certain Indians contained in the treaty of 20th October, 1832,	
with the Pottawatomies, excepted out certain lands from the general cession, which	
did not therefore pass; consequently, the title thereof remains as it was before the	
treaty Being held under the original title, the occupants cannot convey them to individuals,	868
Being held under the original title, the occupants cannot convey them to individuals,	060
but can only make a valid cession thereof to the United States	868
The approval by the President of the location of certain lots by reservees under the	
Winnebago treaty of 1st August, 1829, vests a title in the reservees, that is superior	
to that of certain Polish exiles who located 18th April, 1836, under act of 30th June,	
1834	1356
The Wyandot nation of Indians have the authority to treat with the United States	
respecting the reservation of twelve miles square at and about Upper Sandusky, in	

RESERVATIONS UNDER WYANDOT TREATY OF 1817, (continued.)	Page.
the State of Ohio, as the supplement to the treaty of 1817 reinvested them with their	1070
title in trust	1212
A resignation to the President of a director of the Bank of the United States is an in-	
choate act until the same has been accepted expressly, or presumptively, by the	
appointment of another	747
See also	229
RESOLUTIONS OF CONGRESS	
RESTORATION OF DISMISSED OFFICERS	2103
REVENUE SERVICE. The Secretary of the Treasury is not restrained to the use of sails for the revenue	
service, but may adopt such of the improved modes of navigation as he shall deem	
indispensable at this time.	1565
indispensable at this time. He is, however, restricted as to the amount and description of military and naval	
force, and by its equity in regard to the sum to be laid out in building and equipping	
the vessels	1565
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Saline Bank of Virginia.	
The stockholders are not individually liable for the notes of the Saline Bank, for the	
reason that both the notes issued by the bank and the discount notes given to it are	
contracts founded in a breach of the law, and which a court will not lend its aid to	
enforce	136
Neither can the Saline Bank, as a bank, sustain suits, being unchartered, and all	196
their transactions, contracts, and promises being founded in a breach of the law	136
The recaptors of American vessels from pirates are entitled to salvage; but the rate	
rests in the discretion of the court before which the case shall be brought	346
A recapture from pirates gives a fair claim for salvage by the general maritime law;	
and by the act of March 3, 1800, national ships are entitled to salvage from the	
ships of friendly powers rescued from their enemies; which act, in spirit, applies	986
to rescues from pirates	37 6
tled, is governed by the act of Congress of 3d March, 1800, giving, where the vessel	
shall have been sent forth and armed as a vessel of war, one-half of the vessel, but only	
one-sixth of the cargo. (See case of the Adeline, 9th Cranch, 287; Wheaton on	

Captures, 237; I Cranch, 28.) The only general rule that can be suggested is one-sixth, and half of the vessel, if she shall have been armed after her capture. If the recaptured vessel had been long in the hands of pirates, and had been used as their own, a higher selvage ought to be allowed than if she were recaptured in the moment of her capture, having just struck, and her crew still in a capacity to make resistance. The 4th section of the act of 3d March, 1800, refers to the prize law for the proportion of the salvage which the officers and crew shall take in a given case, as well as for the mode in which the share, so taken by them, shall be distributed. The rules for the distribution of prize-money are: That the whole of the prize belongs to the captors, when the vessel captured is of equal or superior force to the vessel making the capture; and when of inferior force, the prize is directed to be divided equally between the United States and the officers and men making the capture. (See 5th and 6th sections of the act of 23d April, 1800.) The officers and crew of a United States vessel are not entitled to salvage as against the United States for saving the property of the United States weeked on the Florida reef. The officers and crew of a vessel in the naval marine service of the United States are entitled to salvage for saving a French ship whilst on the rock of El Riso, near the anchorage of Anton Lizardo; the objection that government vessels are not thus entitled being invalid. 20 The rule is universal in the United States, that salvage rendered by the naval marine is to be compensated in like manner as that rendered by the private marine. 20 SATTERWHITE, Furser. 18 SCOTT, JOHN T. 19 SCHOL LANDS IN MISSOUNI. 19 SCOTT, JOHN T. 20 CRIP. (See Bounty Lands.) SEALY. 50 SCALY. 50 SCALY. 51 SCALY. 52 SCALY. 53 SCALY. 54 SCALY. 55 SCALY. 56 SCALY. 57 He provisions of the act of 200 provisions of the proceeds of a sale for the return of a crew, when the sale was the result of a disstrous		_
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Seamen on board vessels of war are not entitled to pecuniary assistance from consuls abroad, under the act of 28th February, 1803		775
abroad, under the act of 28th February, 1803	Seamen on board vessels of war are not entitled to pecuniary assistance from consuls	
under the acts of 1792 and 1803	abroad, under the act of 28th February, 1803	1424
of the United States, and bound to some port of the same, to take, at the request of the consul, destitute seamen on board, and to transport them to the port of the	Seamen on board ships-of-war are not entitled to pecuniary assistance from consuls	1 /05
of the United States, and bound to some port of the same, to take, at the request of the consul, destitute seamen on board, and to transport them to the port of the	The act of 1803, requiring masters and commanders of vessels belonging to citizens	1420
the consul, destitute seamen on board, and to transport them to the port of the	of the United States, and bound to some port of the same, to take, at the request of	
United States to which such vessels may be bound, is limited to such vessels as	the consul, destitute seamen on board, and to transport them to the port of the	
	United States to which such vessels may be bound, is limited to such vessels as	

SEAMEN, (continued.) Page.
shall be bound from the port where the request is made, direct to some port of the
United States
port of the United States or not, to receive destitute seamen, would be in many
cases very oppressive upon masters and owners
SECRETARY OF STATE
SECRETARY OF THE TREASURY
SECURITY. (See Debtors, &c.)
SEDGWICK, Jr., THEODORE
SEIZURE for intention to prosecute slave trade
Seminole Negroes.
Certain negroes, who emigrated during 1837 and 1838, with the Seminoles, from
Florida, to the country assigned them west of the Mississippi, but who thereafter
left the employment of the Seminoles and went to the military reserve at Fort Gib- son, where they were protected by General Arbuckle, pursuant to a letter from
General Jesup, dated 8th April, 1846, stating that they had been promised a
qualified freedom by him, as commanding general of the army in Florida, should
be restored to the condition in which they were with the Seminoles prior to the
date of said letter
SEMPLE, Hon. James
SENATE. (See Appointments)
Seneca Indians.
The Seneca Indians must be protected in the enjoyment of exclusive possession of their lands, as defined and bounded in the treaty of Canandaigua, until they have
voluntarily relinquished it
A right of occupancy during pleasure has always been conceded by Europeans to
the North American Indians, (6 Cranch, 121; 8 Wheaton, 548;) wherefore, the
question whether purchasers from the State of Massachusetts may enter upon the Seneca lands, depends altogether on the character of the title which the latter re-
tain in them
So long as they remain in possession of the lands defined in the treaty, neither the
government of the United States nor individuals can lawfully enter upon them, but
by consent freely rendered on a full understanding of the case
The Seneca Indians are entitled to the possession of their hunting-grounds, as well
as their cultivated lands, until the time limited by the treaty with them for their
voluntary removal
The accounting officers will not be justified in admitting as an offset to an amount
due from an individual on a contract with the Navy Department an amount found
due to such individual by a jury in Kentucky. The finding of a jury is not per se
such an establishment of a claim against the United States as to justify accounting
officers in admitting it as a set-off
the United States; and unless the accounting officers would be justified in pay-
ing it as a separate and independent claim, they cannot properly allow it as a
set-off
The law of set-off is limited to mutual debts between the same parties. If it be de- parted from at the treasury, there will be no other definite rules for the regulation
of its practice
The accounting officers cannot set off against A's trustees a debt owing by A, to the
assignees of B, who was a debtor to the United States
Where a contractor for supplies for the navy, who was bound in separate contracts to furnish sugar and tea in stipulated quantities during a fiscal year, made default in
respect to the sugar, but furnished the tea by causing it to be shipped to the naval
storekeeper by a house in New York, to whom the contractor endorsed over the
bills for the same, and a payment has been refused him on account of the contrac- tor's defalcation on the contract for sugar—peciper, that the sale of the tea was
made to the contractor, and not to the government, and that the amount due there-
for may be held and set off against the damages sustained by the government on
account of the non-fulfilment of the other contract
SEVERALTY. An award by commissioners under the 7th article of the treaty with Great Britain to
THE AMERICAN COMMISSIONERS AND THE THE THE TREATY WITH CLEAR PLICENT TO

	Page.
several persons collectively, is conclusive upon the matter so far that the right to	
transfer is vested in all the persons in favor of whom it is made; and if those con-	
cerned have neglected to have inserted in it the amount of their respective interests, or if they disagree as to their several proportions, the embarrassments are attribu-	
table to themselves. The government cannot undertake to decide among them	93
Shaler	790
Shannon, Wilson	
SHAW, JOSEPH	705
SHELDON, THOMAS C	301
Shields and comrades	301
The 2d section of the act of 28th February, 1803, does not require the papers of an	
American vessel in a foreign port to be delivered to the consul, only in cases where	
it becomes necessary to make an entry at the custom-house	1728
A requisition of a deposite of papers, in all cases of arrival where, by the local laws,	
an entry is not necessary, and where there is no trading or purpose to trade, might add to consular emoluments, but would be embarrassing to the interests of	
navigation	1728
Masters of American vessels entering foreign ports where there shall be an American	
consul and remaining so long as that, by the local regulations, they are required	
to enter, and afterwards to clear in regular form, are required to deposite their	
registers, &c., with such consul, irrespective of the purpose for which the port	00.47
shall have been entered. (See opinion on this subject delivered by Attorney General Mason on the 11th of	2041
June, 1845.)	
Shipmasters, obligations of	648
Shipping. (See Charter Party.)	
Ship timber. (See Live Oak.)	
SHORTER, ELI S	1250
SHORTER, TAARER & SHORTERSIBBALD, C. F.	1230
The Third Auditor is to ascertain the actual damages sustained by the claimant, but	
nothing like exemplary or vindictive retribution is admissible	1542
The damages must be such as the claimant would be entitled to recover upon the	
principles of law as applicable to other cases.	1542
By those principles no damages can be allowed but such as directly flow, in the na-	
tural and ordinary course of things, from the trespass or omission; distant and ac- cidental consequences, however they may aggravate the claimant's loss, are to be	
laid out of the question	1542
Neither can vague surmises and calculations of the fruits of projected enterprises be	
taken into the account; the damages must have been directly caused, not merely	
occasioned, by the interference of the agent of the United States	1542
Whatever agents may have done beyond their instructions, they did in their own wrong, and the government is not responsible	15/0
Where by act of Congress the Third Auditor of the Treasury was required, under	1012
the direction of the Attorney General, to ascertain the actual damages which a	
claimant had sustained, and would be likely to recover, upon principles of law ap-	
plicable to similar cases, by reason of the interference of any agent or agents of	
the United States, acting under their authority, with the use and enjoyment of his	
lands in East Florida, and under such instructions examined, and, in 1844, reported the same at an amount which was accepted; and the matter was in 1847 re-	
opened, parsuant to a resolution of Congress, by direction of the Secretary of the	
Treasury, who, after causing some of the items reported by the Comptroller to	
be reduced and others to be increased, made a final award of an additional amount,	
which was also subsequently received by the claimant, who, being dissatisfied	
therewith, desires the matter to be again opened—pecines, that the decisions, awards, and payment were a final disposition of the claim, and to be esteemed in	
law a full execution of the act and resolution	2021
Besides, the receiving of the sum allowed by the decisions and awards estops the	
claimant from questioning that such allowance and payment was a full and final	
satisfaction of his entire claim	
SIERRA LEONE, government of	29
SIGNATURE. If the Secretary of the Treasury is capable of seeing what he does, so that one paper	
cannot be passed upon him for another, he may impress his name with a stamp or	

Signature, (continued.)	Page.
copperplate instead of a pen, provided he keep the stamp or copperplate in his own	400
possession and apply it himself, or cause it to be applied in his presence	437
Silver Lands. (See Mineral Lands)	1787 46
Sinclair, H. Sioux treaty of 1825	1970
Stare. Captain.	492
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SLAVES.	
It is the duty of the President to cause to be delivered to the minister of Denmark a	
slave who, by concealment in an American vessel lying at St. Croix, had been	
brought to the port of New York, and detained in prison until orders might be	
given concerning the further disposal of him	369
So long as Denmark tolerates slavery in her dominions, it is an invasion of her sov-	
ereignty to take away from St. Croix, by seduction, invitation, connivance, ig-	
norance, or mistake, slaves from the possession of Danish owners, and, if avowed	
and unredressed on our part, is a just cause of war; to bring them to the United	
States, and to refuse to return them to their owners on the call of their govern- ment, would be such a violation of private property, and such a lawless infraction	
of the rights and sovereignty of Denmark, as to expose us to the just resentment	
of that nation, and the merited reproach of the civilized world	369
The President may issue an order directed to the marshal of the State of New York,	-
requiring him to deliver the slave to the order of the minister of Denmark; or he	•
may notify the governor of that State of the facts, and request him to cause him to	
be delivered to the marshal for the purpose of delivering him over to the minister	369
The treaty with Great Britain contains no express stipulation on the subject of slaves	
employed as seamen on British merchantmen trading to the United States; and the	
first article cannot be construed to imply an obligation to protect the rights of for-	~~~
eign owners of slaves brought to our shores thus as seamen	793
And as it is a fixed principle of the law of England, that a slave becomes free on	
touching the soil of Britain, the government of the United States cannot be requir-	
ed by the mutuality and liberty expressed in the treaty, nor by comity, to protect the rights of British slave-masters over their slaves when they are found in our	
Country	793
If by the laws of any of the States a slave becomes free as soon as he is brought	
within their limits, and the slaves of British subjects are found there, and taken by	
State authorities from their owners and declared to be free, the general govern-	
ment is under no obligation to interfere in behalf of masters, nor have British mas-	
ters any right to call on the United States to support their claim of property	793
Wherefore, the right of property of the master must depend on the laws of the	200
States where the slaves may be found	793
The President has no power to cause fugitive slaves, who have taken refuge among	
the Indians west of the Mississippi, to be apprehended and delivered by the United States officers and agents to the owners from whom such slaves shall have fled	1212
Even where slaves shall have taken refuge in the States, the President has no au-	1212
thority to cause a surrender except when previously directed or empowered by a	
law	1212
Congress has been silent hitherto upon the subject of fugitives among Indians; and	
although it have the power to make regulations not inconsistent with subsisting	
treaty stipulations, until it shall have enacted a law in that respect, the President	
has no authority to interpose	1212
SLAVE TRADE.	
By the act of 22d March, 1774, to prohibit the carrying on the slave-trade from the	
United States to any foreign place or country, the collector cannot require a bond	
as a prerequisite to giving a clearance, except upon the oath or affirmation of some	201
The act entitled "An act in addition to the acts prohibiting the slave-trade" does not	201
authorize the President to appropriate any part of the sum therein specified to the	
purchase of land on the coast of Africa or elsewhere, for the purpose of a settle-	
ment, nor for the transportation of free people of color to Africa, nor to the pur-	
chase of carpenter's tools for the purpose of making a settlement in Africa, nor to	
the payment of the salary and expenses of transporting an agent from this country	005
to Africa	203
The former opinion re-considered and re-affirmed, with some doubts of its correctness,	
(Mr. Crawford to the contrary,) and the President advised not to exercise any in-	90.4
ferential powers until Congress shall express their intentions more clearly	204
The act of 3d March, 1819, applies to all negroes previously brought into the United	

States contrary to the provisions of any of the acts of Congress on the subject, and	age.
not disposed of his Steel laws	015
not disposed of by State laws	215
by the act of Congress of 2d March, 1607, the importation of saves from Africa or	
elsewhere into the United States, or any place within their jurisdiction, is prohibi-	
ted under severe penalties; and the importer and all persons claiming under him	000
are therein declared to have no title to the negroes imported, nor to their services.	290
And by the same act, it is left to the legislature of the States to regulate the manner	000
in which the negroes thus imported shall be disposed of	290
It is the duty of every good citizen who may be apprized of a breach of this law, to	
take prompt and immediate steps for the seizure of the negroes, and to inform the	000
governor of the State, that he may give directions for the disposal of the negroes	29 0
The statute of Georgia, making the regulations contemplated by the law of Congress,	000
passed 19th December, 1817, is not unconstitutional.	29 0
The act of 1818, prohibiting the importation of slaves into the United States, was not	
intended to prohibit the return of slaves who should leave the United States as ser-	
vants of their owner with intent to return after a short sojourn abroad	327
Where a French vessel, with Africans on board unlawfully taken from their native	
land, was captured by pirates, and from them re-captured by an American vessel	
and brought into port, and a demand for the Africans made by the French minis-	
ter, with a view to their restoration—HELD, that the application was well founded	•••
and should be acceded to	34 8
There is no law authorizing the agent of the United States residing at Liberia, pursu-	
ant to the act of the 3d March, 1819, to purchase arms for the defence of the negroes.	659
The act of the Grampus in bringing in for adjudication, under the act of 3d March. 1819,	
"to protect the commerce of the United States and punish the crime of piracy,"	
the Phænix, with the Africans found on board of her, was not a violation of the	
laws concerning the slave trade.	720
Whether the Africans can be delivered to a claimant whose title to them is deduced	
from a traffic which is equally forbidden by the laws of his own country and of	
ours, is a question which ought, I think, under the circumstances, to be referred	***
to the highest judicial tribunal.	720
Whether citizens of the United States who have been abroad on business, taking	
with them slaves, can lawfully bring them back to be held in slavery after several	
years residence in a foreign country, depends upon whether the slaves had been ta-	
	700
ken and employed there as their fixed and established domicil	796
If this has been done in any case with a view to the permanent settlement of the	796
If this has been done in any case with a view to the permanent settlement of the slaves without the United States, they cannot lawfully be brought back again to	796
If this has been done in any case with a view to the permanent settlement of the slaves without the United States, they cannot lawfully be brought back again to be held in slavery, although the owner may have changed his mind in a few weeks,	
If this has been done in any case with a view to the permanent settlement of the slaves without the United States, they cannot lawfully be brought back again to be held in slavery, although the owner may have changed his mind in a few weeks, or even a few days, and determined to return with them	796 796
If this has been done in any case with a view to the permanent settlement of the slaves without the United States, they cannot lawfully be brought back again to be held in slavery, although the owner may have changed his mind in a few weeks, or even a few days, and determined to return with them	
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If this has been done in any case with a view to the permanent settlement of the slaves without the United States, they cannot lawfully be brought back again to be held in slavery, although the owner may have changed his mind in a few weeks, or even a few days, and determined to return with them	796
If this has been done in any case with a view to the permanent settlement of the slaves without the United States, they cannot lawfully be brought back again to be held in slavery, although the owner may have changed his mind in a few weeks, or even a few days, and determined to return with them	796
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If this has been done in any case with a view to the permanent settlement of the slaves without the United States, they cannot lawfully be brought back again to be held in slavery, although the owner may have changed his mind in a few weeks, or even a few days, and determined to return with them	796
If this has been done in any case with a view to the permanent settlement of the slaves without the United States, they cannot lawfully be brought back again to be held in slavery, although the owner may have changed his mind in a few weeks, or even a few days, and determined to return with them	796
If this has been done in any case with a view to the permanent settlement of the slaves without the United States, they cannot lawfully be brought back again to be held in slavery, although the owner may have changed his mind in a few weeks, or even a few days, and determined to return with them	796
If this has been done in any case with a view to the permanent settlement of the slaves without the United States, they cannot lawfully be brought back again to be held in slavery, although the owner may have changed his mind in a few weeks, or even a few days, and determined to return with them	796
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If this has been done in any case with a view to the permanent settlement of the slaves without the United States, they cannot lawfully be brought back again to be held in slavery, although the owner may have changed his mind in a few weeks, or even a few days, and determined to return with them	796
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If this has been done in any case with a view to the permanent settlement of the slaves without the United States, they cannot lawfully be brought back again to be held in slavery, although the owner may have changed his mind in a few weeks, or even a few days, and determined to return with them	796 '
If this has been done in any case with a view to the permanent settlement of the slaves without the United States, they cannot lawfully be brought back again to be held in slavery, although the owner may have changed his mind in a few weeks, or even a few days, and determined to return with them	796 1236 1236
If this has been done in any case with a view to the permanent settlement of the slaves without the United States, they cannot lawfully be brought back again to be held in slavery, although the owner may have changed his mind in a few weeks, or even a few days, and determined to return with them	796 1236 1236
If this has been done in any case with a view to the permanent settlement of the slaves without the United States, they cannot lawfully be brought back again to be held in slavery, although the owner may have changed his mind in a few weeks, or even a few days, and determined to return with them	796 1236 1236 1308

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Steamboats and other vessels passing on any river or inland bay of the sea, within	
the jurisdiction of the United States, are not subject to the regulations provided in	
respect to exterior voyages, or those along the seacoast, or in open bays of the sea.	1074
(See opinion of 16th April, 1840.). The executive department has no authority to erect buildings for the reception of trans-	1354
The executive department has no authority to erect buildings for the reception of trans-	
ported Africans. The point has been repeatedly decided by the executive de-	1501
partment. The selling of an American vessel in the port of Rio Janeiro to a slave dealer, deliv-	1961
ine seiling of an American vessel in the port of the Janeiro to a slave usater, deliv-	
erable on the coast, is not of itself an aiding or abetting of the slave-trade. The	
vendor must not lend assistance to such slave dealer by navigating the vessel to the coast of Africa upon an outward slave-trade voyage; for, if he does, he be-	
comes thereby a participant in the trade, and, as such, is subject to punishment;	
but if he only make a bona fide sale of his property, deliverable upon the coast of	
A frice or elsewhere he does not incur any responsibility.	1629
Africa or elsewhere, he does not incur any responsibility	1020
our statutes. In this, as in all other cases, the character of the act must be reflected	
from the purpose with which it is done. If an American citizen charter his ves-	
sel for the prosecution of a slaving voyage, he will be guilty of a violation of the	
slave-trade acts; but if he charter his vessel for the prosection of a voyage	
which is prima facie innocent, the fact that it may be converted to an inhibited ulte-	•
rior purpose will not expose him to penalty, or his vessel to forfeiture	1629
The costs incurred in libelling, in the district court of Massachusetts, the brig Ma-	
laga, sent in as a prize on a charge of participating in the slave-trade, are properly	
chargeable to the appropriation for defraying the expenses of the courts of the	
United States, and likewise for defraying the expenses of suits in which the	
United States are concerned, and for prosecution of offences committed against the	_
United States	1843
United States are concerned, and for prosecution of offences committed against the United States	
does not depend upon the result of the proceedings	1843
The President has anthority to make all the regulations and arrangements that he may	
deem expedient for the safe-keeping, support, and removal beyond the limits of the	
United States, of all such "negroes, mulattoes, and persons of color," as shall be	1044
taken from slavers by the armed vessels of the government	1044
And all negroes, mulattoes, and persons of color, adjudged by competent tribunals to have been imported into the United States contrary to the provisions of the several	
acts to prohibit the slave trade, and committed to the custody of marshals pursuant	
	1844
It having been ascertained, by the verdict of a jury, that the two slaves brought into	1011
the port of New Orleans in the brig Titi were so brought in violation of the acts	
prohibiting the slave trade, the President is called upon to exercise the authority	
thus conferred	1844
SLIFER, EZRA	
SLOO, A. G., CONTRACT WITH.	
The compensation to be rendered under the contract with A. G. Sloo, for the trans-	
portation of the mail in steam vessels, ought to be in proportion to the service per-	
formed and accepted, without regard to the number of steamships employed in	
that service, or that have been built under that contract	2110
Inasmuch as Congress have appropriated the money and directed payment to be	
made for said service, payment, notwithstanding certain advances, should be made.	2110
The refunding of the advances must be considered as deferred and left to the future	
discretion of Congress	2110
SMITH & BUCHANAN.	458
SMITH, Jr., JEREMIAH 1000, 1007,	10/2
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discretion of Congress. MITH & BUCHANAN. MITH, Jr., JEREMIAH. MITH, Lieutenant. MITH, PARDON. MITH, Gen. WALTER. MITH, WILLIAMSON.	1954
MITH, WILLIAMSON.	1 AUT
The entire legacy bequeathed to the United States by James Smithson, for the pur-	
pose of founding an establishment in the city of Washington for the increase and	
diffusion of knowledge, should be kept entire for effectuating the purposes of the	
testator	1222
The expenses of prosecuting for the said legacy, and of receiving and transporting it	
to this country, including additional expenses incurred, therefore, ought to be de-	
frayed out of the appropriation made by Congress	1222

Smithsonian Legacy, (continued.)	Page.
The personal effects other than cash and stocks, which have been transferred to the United States, should be disposed of as Congress may direct	1222
Solicitor of the Treasury.	
The law has invested the Solicitor of the Treasury with a plenary discretion to suspend the execution of a writ of fieri factas, under circumstances which appear to	
render such a course expedient and proper	1674
Souder, CharlesSoulard, Antoine	1567
	429
South Carolina port bill. The act of South Carolina, authorizing the seizure and imprisonment of persons of	
color who may come into any of her ports from any other State, or any foreign	
port, until the vessel to which they may be attached shall depart, is void, as being	
against the constitution, treaties, and laws of the United States, and is incompati-	400
ble with the rights of all nations in amity with the United States	430
groes or persons of color who shall be brought into any port or harbor of that	
groes or persons of color who shall be brought into any port or harbor of that State on board of any vessel from any other State or foreign port, is not in con-	
flict with the provisions of the convention with Great Britain, nor the commercial	
laws of the United States	176
the belief that the fact of conflict has been assumed without sufficient attention to	
the terms of the convention, or the laws of the Union	761
But, in the general distribution of powers between the federal and State governments	
by the constitution, the power to regulate its own internal police was clearly reser-	
ed to each State. The South Carolina port bill having for its object the regulation	
and government of free persons of color within the limits of that State, as strictly belongs to her internal police as a law regulating the course of descents, or one de-	
fining the crime of murder and prescribing the penalty which shall attach to its	
fining the crime of murder and prescribing the penalty which shall attach to its commission; and if there be laws of the United States passed in the exercise of	
the right to regulate commerce, they cannot control the exercise of this reserved	
power, except so far as they may be necessary to the preservation of the com-	761
merce of the Union	.01
color into her State, is not necessarily invalid, because, under the general terms of the commercial laws or treaties of the United States, such persons might, in the	
of the commercial laws or treaties of the United States, such persons might, in the	
absence of this law, claim such entrance	761
And where an act of a State is justifiable under its reserved powers, the general government is bound to respect it in the enactment of its laws, and in the negotiation	
and conclusion of its treaties	761
It is, however, a violation of the laws of the United States to import, bring, or cause	
to be brought, into any port of the United States in any State, any negro, mulatto,	
or person of color, not being a native or citizen or registered seaman of the United States, or seamen, natives of unknown countries beyond the Cape of Good Hope;	
and therefore the bringing of Daniel Fraser was expressly forbidden by the federal	
law	761
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The Spanish owners of certain negro slaves who were shipped from Havana for Pen- sacola in an American vessel, which was captured under the guns of the fort at	
Barrancas, then occupied by an American force under the command of Colonel George M. Brooke, and whilst proceeding to adjudication were seized, with the vessel, by a revenue vessel, and carried into the port of Mobile, where restitution	
of the slaves was awarded, &c., and the vessel condemned, have not a claim embraced by the provisions of the treaty with Spain	610
The Department of State was made the depository, by stipulation, of the records and papers referred to in the eleventh article of the treaty of 1819 with Spain, and they	010
must not be delivered up to claimants; and any law of Congress that shall authorize or require their delivery will be a violation of that treaty	819
The United States are bound to pay the Spanish inhabitants of Florida the value of slaves carried away or killed by the troops of the United States shortly prior to	
the treaty with Spain of the 22d of February, 1819	
stored to their owners, during the period of time their owners were deprived of their services. The Secretary of the Treasury may examine into all the facts and circumstances which constitute the grounds upon which a judgment for losses under said treaty, has been rendered, and determine, upon the whole case, whether the decision of	227
the judge is just	392
tor; and if it were, the United States have not agreed to be bound by it	392
tion as plenary to decide upon the whole case, as upon the judge himself 1 The Secretary of the Treasury, however, has no legal power to re-commit a case to	
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gress under which the claim is authorized to be paid	392
23d March, 1823, and 26th June, 1834, the Secretary of the Treasury is required to pay the claims for injuries caused by the military operations of 1812 and 1813, on which a favorable report may have been made by the judge of the superior court of St. Augusting what was a various for the decision and the crideness.	
of St. Augustine, where, upon examination of the decision and the evidence on which it is founded, he shall deem the same to be just	420
ry, as the verdict of a jury in a feigned issue is to enlighten the conscience of the chancellor; and his decision is simply arbitrium bont viri, and not conclusive, in	

any degree, upon the Secretary. He must, nevertheless, look into the whole mat-	uge.
ter, and ascertain for himself whether the government is liable, and to what extent If the case be one of injury by the military operations referred to, in which no ordi-	1420
nary care of the proprietor or his agents, and no ordinary goodness of the proper- ty supposed to have been injured, would have guarantied it against the alleged in- juries, it is within the treaty, and the claimant is entitled to his damages	1490
In respect to the damages, the Secretary ought to be satisfied that the consequences	1420
which are alleged to have ensued upon the trespasses in question, were no more than what, in the ordinary course of things, would be expected to be caused by	
them; that is, that after they occurred, there was no lackes on the part of the own-	
er in his efforts to repair them, and that the evils, whatever they were, were not aggravated by some defect peculiar to the character and condition of his property.	1420
The Secretary of the Treasury has power to review decisions of the judge of the su-	
perior court in Florida upon claims presented under the treaty with Spain and the acts of 1823 and 1834, and to pay the amount that he may adjudge to be due, the	
awards of the judge not being in law conclusive thereon	1658
purpose of carrying out the ninth article of the treaty of 1819 with Spain, and	
should be read as in pari materia	1658
and second sections of that of 1823, in order to introduce in that connexion a class	
of cases which had been ruled out by Mr. Rush	1658
The act of 1834 does not touch the authority of the Secretary, under the act of 1823, to judge of the justice and equity of the claims presented	1658
The only authority vested in the Secretary to pay these claims is contained in the act of 1823, and can be exercised only under the restrictive proviso that he is sat-	
isfied that they are just and equitable	1658
The Secretary is not authorized to allow interest on these claims, it not having been the usage of the government to do so; nor does its duty to the claimants under the	
circumstances require it. (See opinion of Mr. Crittenden in the case of Pierson	1650
Cogswell.)	1000
The act of Congress to carry into effect certain provisions in the treaties between	
the United States and China, and the Ottoman Porte, giving certain judicial powers to ministers and consuls of the United States in those countries, not having	
designated any particular place for the confinement of prisoners arrested for crime,	
the same is left for regulation under the 5th section, or, in the absence of any such regulation, to the discretion of the acting functionary	2136
The expenses of arrest and support in prison, in such cases, must be paid from the	
fund created by the execution of the act	2130
(crimes) are left to support their own expenses	2136
Whether the act embraces Egypt and the Barbary States, which are under the do-	2136
minion of the Ottoman Porte, is a political question, which cannot be solved with-	
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By the act of 5th July, 1832, Congress have only authorized the half-pay to be given where the officer had not indicated by some act of his own that he had elected to accept the substitute offered by the resolve of 22d March, 1783	846
As the commutation has been received by the representatives of Lieutenant Vawters,	040
they are not entitled now to the half-pay	846
Field-officers, captains and subalterns, who commanded in the battalions of Virginia	
on the continental establishment, or who served in the battalions raised for the im- mediate defence of the State, or of the United States, and all such officers as became	
supernumerary on the reduction of any of said battalions, and who again entered	
the service, when required, in the same or any higher rank, and continued therein	
until the end of the war, were entitled to half-pay under the laws of that State, al-	
	990
So, also, were the naval officers of the like rank	990
the act to provide for liquidating and paying certain claims of the State of Vir-	
ginia	994
Commutations for five years' full pay are not included in and provided for by the 3d	
section of the act of 1832	677
By that section, the Secretary of the Treasury is only required to adjust and settle the claims of certain regiments and corps for half-pay for life which had not been	
prosecuted to judgment against the State of Virginia, and for which the State is	
bound, on the principles decided in the Supreme Court of that State in other cases. 1	677
The question, moreover, is regarded as adjudicated, and therefore not properly open	(-PP
for examination, except by Congress	677
just, and falls within the provisions of the 2d section of the act of 1832; and the	
balance of the appropriations made by that act would be applicable to the payment	
of it, were it not that it has been carried to the surplus fund, from which it cannot	•
be withdrawn except by act of Congress	678
red to the continental establishment, who in his life time obtained a judgment	
against said State for commutation of five years' full pay in lieu of half-pay for life,	
and received payment thereof in 1792, are not entitled, under existing laws, to be	
allowed a claim for further compensation for services rendered by their ancestor. 1	859
This claim was considered and rejected by the department in 1833, on the ground that it had been paid	859
that it had been paid	000
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ficers of the Navy of that State, during the revolutionary war, who served to its	
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the contract price, but in connexion with the additional expenditure caused the contractor by a calamity which he could not avert	อกกร
The appropriation is due to the claimant; Congress designed it to be paid him; and there is no discretion left the accounting efficers of the treasury to disallow it, in	2003
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The Secretary of the Treasury may give to the corporation of the city of Washington the certificate described in the seventh section of the act vesting in that corporation the rights of the said company and for other purposes, passed May 31, 1832, notwith-	
standing the work was not completed by the 1st March, 1833; provided the work had been finished in the manner prescribed and the time when it was completed be	
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unrepealed and unmodified, the wharves proposed to be built by the owners of water-lots on the Potomac and Eastern Branch must follow the direction of the present streets of the city, and cannot be projected at right-angles from Water street to the	
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The order of the commissioners, allowing the proprietors to erect buildings beyond the line of Water street, is invalid; they having no power to make such an order.	142
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depends upon whether they are for public purposes, and are useful	238
part of the Judiciary Square by erecting thereon a city hall, is to appropriate the	
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The act of July 16, 1790, for establishing the authorized commissioners, who were to be		
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trict of Columbia, as the President should		
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that the President had power to establish		
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commissioners such streets, squares, parce	is, and lots, as the President should deem	
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executed an instrument of writing, in whice the commissioners all the streets delineated		
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annex; and that, as it indicated streets thr	ough the mall, it was originally intend-	
ed that streets might be opened through it.		270
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The deed from the mayor and commissioner		
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If the corporation have not improved this pr		711
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ces then existing		471
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at no other times than those expressed in the		471
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and taken as a part of the contract The act of 1820 pledged the proceeds of sale	s of public lots in the city of Washing-	IAJ I
ton to the payment of certain expenses t	o be incurred by the corporation in the	
making of certain improvements; wherefor	e, the funds in the treasury derived from	
that source should be applied to reimburs	e certain advances made by the corpora-	00.10
tion, notwithstanding the act of May 17, It cannot be reasonably supposed to have	JO40	2040
made a different disposition of the fund, up	on the faith of which improvements had	
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IV. LIST OF ACTS CITED AND DISCUSSED

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Date.	Subject.	Statutes at Large.	Opinions.
July 4,178	9 Duties on merchandise, etc	Vol. 1, p. 24	p. 223, 2097.
July 31,— Aug. 7,— Sep. 2,—	-Collections of duties, etcEstablishment of light-houses, etcTo establish the Treasury Depart-	do53	101, 1501.
	ment	do65	276, 437, 1130, 1836, 1883, 2066.
Sep. 15,	To establish the State Department	do68	1346.
Sep. 22,	-Mileage of Congress	do70	1410, 2066.
Sep. 24,—	- Compensation to judiciary, etc		646, 852, 920, 995, 1133, 1603, 1624, 1688, 1773.
Sep. 29,	Regulating processes	do93	920, 2104.
Dep. 29,	- Invalid pensions 0 Crimes and offences against U. S	do95	874.
Apr. 30,179	Pagulating military autablishment	do 110	18,40,49,86,492,1045, 1985.
May 31,—	Regulating military establishment Copy right of books, etc	do119	020. QAR
July 1,	Foreign intercourse	do128	405.
July 16,	-Seat of government	do 130	270, 652
Ang. 4	-Public debt	đo 138	3. 8.
Aug. 4,		do 145	448, 739, 2115.
Aug. 10,	-Virginia military land warrants	iao182	664.
	- Light houses on I officially freath	do 184	1642.
Mar. 3,	1 Bank of U. States incorporated	do 001	5.
Mar. 3,—	Grants of land in Illinois	do 999	20, 55, 74.
Feb. 20,179	2 Post offices established	do232	1659
Mar. 5,	-Addition to army	do 941	696
Apr. 14,	Consuls and vice consuls	do254	1424, 1425, 1593,
May 2,			
May 8,	-Compensation of officers of customs.	do274	448.
	Compensation of officers of customs. Process in courts of U.S.		415, 920, 1176, 1178, 1324, 1591, 2066.
May 8,	Alterations in Treasury and War Departments	do 279	390, 437, 771
May 8,	Departments	do284	405.
Dec. 31,	- Registered vessels	do287	739, 1371, 1595.
Feb. 9,179	3 Foreign intercourse	do299	405
Feb. 12,	Fugitives from labor and justice	do302	487, 1603, 2099.
Feb. 18, Feb. 21,	Coasting trade and fisheries	00305	739, 1595, 1648.
Mar. 20,179	Foreign intercourse fund	do 345	243. <i>1</i> 05
Mar. 22,	-Slave trade	do 347	201 1699 1844
Mar. 27,	Naval armament provided	do350	194. 1886.
April 2,	- Erection of armories and arsenals	do 352	
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june 5,	Crimes and offences	do381	1460.
In 0 170	Crimes and offences. Virginia bounty lands. Pay of militia.	do394	45.
Feb. 14,	5 Pay of militia	do 416	1313 , 1427. 449
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Mar. 3,	Surplus fundPublic debtors	do441	677, 920.
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Date.	Subject.	Statutes at Large.	Opinions.
May 30,1796	Army of the U. S	Vol. 1, p. 483	p. 309.
Mar. 3,1797	Compensation and duties of collec-	uo401	400.
	Compensation and duties of collectors, etc	l	1848.
Mar. 3,—— Mar. 3,——	Military establishment	do507	1696
June 14,	Exportation of arms prohibited, etc.	do520	223.
July 1,——	Naval armament provided	do523	757.
Mar. 19.1798	Mileage of Congress	do541	405.
April 7,——	Limits of Georgia settled: Missis-		
April 7,	sippi territory	do549	223.
April 27,	Naval armament	do552	757.
April 30, May 28,	Navy department established Provisional army of U.S	do 558	178 4. 694
June 6,	Relief of public debtors from im-		
•	prisonment Establishing marine corps	do594	117, 531, 626, 685, 741, 1043.
July 16,——	Treasury, war and navy departm'ts	do610	648, 771, 821.
Feb. 25,1799 Feb. 25,——	Pay of navy captains, etc	do618	396, 757. 652.
Feb. 28,	Compensation of marshals, clerks, attorneys, etc		
Mar. 2,	Duties on imports, etc	do627	
			1080, 1130, 1151, 1187, 1565.
Mar. 2,	Compensation of collectors of cus-	3 504	i
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Mar. 2,	Post office	do733	1470, 1652.
Mar. 3,	Indian trade and intercourse Army of the U.S	do743	552. 856, 626.
reb. 11,1500	demission of tines, etc	vol. 2, p. 7	110, 1848.
Mar. 1, Mar. 3,	Military bounty lands, etc	do 16	209.
April 17,	Salvage for recapture	do 37	215.
April 23,	Government of the navy	do 45	116, 261, 300, 376, 388, 543, 832, 838, 910, 915, 1215, 1267, 1331, 1480, 1627, 1683, 1742, 1756, 1764,
May 10,	Collection districts established Limits of Georgia and Mississippi		
May 10,	territory To prohibit the slave trade	do 69	101.
May 10,—	Compensation of custom house offi-		1
May 10,	Sales of public lands	do 73	1080, 1617, 1787.
May 10,—	Foreign intercourse	do 78	405.
Mar. 3,	District of Columbia Naval peace establishment	do103	757.
маг. 3,—— Маг. 16,1802	District of Columbia	do115 do132	652. 113, 149, 177, 225, 304, 342, 463, 626, 822, 1256.
Mar. 30	Indian trade and intercourse	do139	553. 745. 1136. 1525.
April 29,	Judicial system of U.S	do156	852.

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May 1.—	Washington City	do175	149
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Feb. 28	Importation of slaves prohibited	do205	1629, 1844.
Mar. 3,	Importation of slaves prohibited Supplement to act for admission of		
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Mar. 3,	Lands south of Tennessee President to take possession of La	do229	1433.
Feb 95 1804	Charter of Alexandria, D. C	do 955	659
Mar. 26.	Sales of lands in Indiana Territory.	do277	273, 1787.
Mar. 26,	Public lands	do277	1779.
Mar. 26,	Government of Louisiana established	do283	1433, 1894.
	Sales of lands in Indiana Territory. Public lands Government of Louisiana established Navy pension fund	l .	1 2025, 2140.
Mar. 27,—	Naval peace establishment	do297	531, 757.
Jan. 5,1805	Drawback on goods, etc	do308	755.
Mar. 2,	Government of Orleans Territory Land claims in Orleans Territory Sale of lands in Indiana	do 304	902. 490 1422 1804
Mar. 2,—	Sale of lands in Indians	do 343	1787
Feb. 28,1806	Land surveys in Louisiana	do352	428, 429.
Apr. 10,	Rules and articles for government of	1	
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Apr. 10,	Revolutionary pensions	do376	1004, 2028.
Apr. 21,—	Revolutionary pensions	do390	386, 492, 531.
Apr. 21,——	Survey of the coast of the U. States.	do 413	1959 1986
Feb. 24.	Volunteer corns authorized	do419	1427.
Mar. 2.—	Volunteer corps authorized	do426	290. 1308, 1354, 1629, 1844,
Mar. 3,	Land claims in Michigan	do437	616.
Mar. 3,	Land claims in Louisiana	do440	428, 429, 1894.
Mar. 3,	Land claims in Michigan. Land claims in Louisiana. To prevent settlements on lands of United States.	do445	100, 112, 306, 460, 860,
	Public lands in military tract and		1344, 1397.
Mai: 0,	Connecticut reserve	do448	387, 950, 1150, 1530, 1787, 1799.
Apr. 12,1868	Additional military force	do481	342.
Apr. 21,—	Public contracts	do484	506, 1500.
Apr. 25,	Public contracts	do491	882.
Jan. 31,1809	Additional naval force	do514	105, 713.
Mar. 3,	Respecting the Treasury, War and Navy Departments	do 595	110 104 400 521 640 600
	Navy Departments		894,920,1160,1258,1261, 1541, 1645, 1711, 1704, 2000.
Mar. 3,	Augmentation of marine corps	do544	
Apr. 30,1810	Post office establishment	do592	1652.
May 1,	Compensation of ministers and con-		
Mar. 3,1811	suls Land claims, etc., in Louisiana	do608	491, 1202, 1433, 1448, 1894 ,
Dec 94	Military establishment	do seo	1955.
Jan. 11,1812	Additional military force	do671	177, 268, 304, 342, 393, 789, 1004, 1299.
Feb. 20,	Affidavits and bail in civil cases	do679	1603, 1624.
Mar. 28,	Establishing Qr. Mr. Department	do696	162.
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Apr. 25,—— Apr. 25,——	Land claims in Louisiana Establishment of a General Land		1341, 1310, 1433.
,	Office	do716	664, 1056.
Apr. 29,——	Corps of engineers	do720	225, 305, 644.

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	Charter of Washington City	Vol. 2, p. 721	p. 270.
May 6, May 14,	Military bounty lands	do732	1160.
May 16,	Army of the United States	do735	117, 625.
May 22,	Quartermaster's Department	do742	162.
June 13,	Land claims in Missouri	do748	1251, 1806.
June 26,	Authorizing letters of marque	do759	464.
July 6,——	Army of the United States	do 700	342, 426, 527, 626.
Jan. 20,1813 Jan. 29,	Navy pensions	do 794	177 683
Feb. 5,	Pre-emption rights in Illinois	do797	1343.
Feb. 13,	Pensions	ldo799	1013.
Mar. 3,	Seamen on armed vessels	do809	329.
Mar. 3,	Supplies for the army	do816	626.
	Army of the U.S	do819	309.
July 5,	Army of the U.S	voi. 5, p. 3	177.
July 22,	Collection of direct taxes and inter- nal revenue	do 99	219.
Jan. 6,1814	Perry's squadron	do141	123.
Jan. 28,——	Army of the U.S	do 96	177.
Feb. 10,	Army of the U.S	do 96	177.
Mar. 4,	Army of the U.S	do103	464, 543, 725, 1182, 1191.
April 12,	Land titles in Louisiana and Mis-		490 470 1026 1804
April 16,	souri	do124	318. 376. 531. 1749.
April 16,	Officers for flotilla service	,do125	757.
April 18,	Compensation of paymasters	do128	625.
April 18,	vessels captured on Lake Erie	ao130	261.
	Pay of the navy	do136	120, 757.
April 18,	Land claims in Louisiana	do137	1894, 2010.
Dec. 10,—— Jan. 9,1815	Enlistments in the amry Leases of school lands in Mississippi	do: 163	1787
Jan. 9,——	Direct taxes laid	do161	219. 260.
Feb. 4,	To prohibit intercourse with the		
	enemy	do195	1668.
Feb. 7,	Navy commissioners	ao202	848.
Feb. 8,	ment	do203	1160.
Feb. 17,	Relief of inhabitants of New Madrid	do211	233, 490, 1202, 1304, 1448.
Feb. 22,——	Virginia land warrants	do212	664.
Mar. 3,	Military peace establishment	do224	177, 225, 304, 342, 1416.
Mar. 3,	Organization of courts in N. York	Vol 6 n 115	1000. 856
Mar. 5.1816	Invalid Pensioners	Vol. 3, p. 256	211. 1787.
Mar. 25,	Settlers on public lands		1787.
April 16,	Appropriation for military services. Navy pension fund	do285	175, 856.
April 16,—	Navy pension fund	do287	910, 2034.
April 24,	Invalid pensioners, etc	do296	1988.
Apr. 24,	General stan of the army	ao297	626, 714, 907, 1021, 1127.
Apr. 26,	Compensation to officers of Customs	do306	
Apr. 29,	Commissioner of public buildings	do324	
Apr. 29,	Surveyor of public lands in Illinois	1 000	
A 00	and Missouri	do325	432.
Apr. 29,—— Apr. 29,——	Land claims in La. and Mo Pre-emption rights in Louisiana, 11-		1220.
b wo	linois and Missouri	do330	1343.
Apr. 30,	Collection of the revenue	do 343	1080.
Mar. 1,1817	Reservation of timber lands	do347	306.
Mar. 1,	Security to be given by pursers of		
Mar. 1,	the navy	do350	1602 1604
Mar. 1,—— Mar. 1,——	Regulation of importations	do351	329, 739, 1513, 1595, 1648.
			1650, 1668.

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Mar. Mar.	3,1817 3,	Bank of U. S	Vol. 3, p. 360	p. 874. 408, 814, 821, 894, 966,
Mar.	3,	For the preservation of neutral rela-		1130, 1836.
Mar.		tions		
Mar.	3,	Cultivation of the vine and olive Marine corps Location of creek reservations Transfers of appropriations	do374	1270.
Mar.	3,—	Location of creek reservations	do380	1119. 1227.
Mar.	3.—	Transfers of appropriations	do390	1261, 1541, 1645, 1711,
Mar.	3	Execution of the laws in Indiana	do390	1311.
Mar.	3.—	Collectors to be sued in U. S. Courts	do396	1668.
Mar.	3	Debtors of U. S	do399	147, 237, 604, 667.
Jan.	22, 1818	Transfers of appropriations	3. 404	1410 0000
Feb.	16,	gress		
		lishment	ldo405	1261.
Feb.	17,	Land offices in Missouri	do406	187, 490, 1202.
Mar.	18,	Revolutionary pensions	do410	230, 811, 874, 886.
Mar. Apr.	27,— 3.—	Land offices in Missouri	do411	664.
	-,	Clerks	do412	432.
Apr.	14	General staff of the army	do426	309, 1021.
Apr.	16,	Pay of brevet officers	do427	342, 356, 368, 626.
Apr.	16,	Navy pensions	do427	464, 481, 1013.
April	18,	Government of the state of Illinois	do428	656, 1345.
		Commerce with Dritish ports	uo 432	430.
April	20,	Expenses of militia to be paid	do444	834, 1319.
April	20	Compensation of clerks	do 445	779, 865, 872, 1779.
April	20,	For the preservation of neutral relations	do447	1460, 1689, 1692, 2001.
April	20,	Further provision against the slave trade	do 450	1561 1600 1944
Feb	4 1819	Transpry notes lost or destroyed	do 479	1901, 1023, 1042.
Feb.	90	Salaries of secretaries of departments		1332.
r co.	~·,	and judges of supreme court	do 484	9141
Mar.	2	Pay of soldiers on fatigue duty	do488	948, 1043, 1334,
Mar.	3,	State constitution for Alabama Navy pensions Protections against piracy	do502	464, 543, 725, 919, 1013.
Mar.	3,	Protections against piracy	do510	849, 910, 915.
Mar.	3,	Invalid pensioners	do514	297, 795, 836.
Mar.	3,	Sale of useless military sites	do520	1037.
Mar.	3,	Correction of errors at land office	do526	704.
Mar.	3,——	Invalid pensioners	do528	518, 1194, 1347, 1378, 1433, 1573.
Mar.	3,	Further provisions against the slave		
		trade	[do532	
Apr.	24,1820	Sale of public lands	do566	1236, 1307, 1629, 1844. 349, 867, 611, 1065, 1080,
			i	1147, 1152, 1154.
May	1,	Treasury, war and navy departm'ts.	do567	1711, 1784, 1794, 1822
May	11	Michigan land claims	do 579	1866, 1960, 1969, 2000.
May		Louisiana land claims	do 579	1301, 1894, 1955
May		Term of certain offices	do 589	1101, 1004, 1006. 2412, 448, 498, 953.
May		Charter of Washington city	do589	837. 2040.
May		Organization of the treasury depart		
•		ment	1do 599	1907 AEA 119A
		ment		337, 434, 1130.
May May		Revolutionary pensions Punishment of piracy	.∤do596	5 366, 811 , 1004 ,

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May 15,1820	Additional naval force Three per cent. fund in Illinois	Vol. 3, p. 606	p. 713, 1330.
Mar. 2.1821	Virginia militia land warrants	do612	664.
Mar. 2.—	Purchasers of public lands	do612	536.
Mar. 2.1821	Military Peace Establishment	do615	342, 356, 368, 498, 603,
			696 907 1091 1654
Mar. 2,	Family of Oliver H. Perry	do622	1071.
Mar. 3,	Appropriations for military service. Transmission of public documents	do 633	1711.
Dec. 19,——	Transmission of public documents	do649	1075.
Feb. 4,1822	Revolutionary pensions	00650	1004, 2028.
Apr. 20,	Cultivation of the Vine and Olive	Vol. 6 p. 965	1210. 205
May 4	Payment for property lost in service	Vol. 3 p. 676	954 916
May 6	Indian trade and intercourse	do682	745.
May 7	Military Peace Establishment	do686	368.
May 7,	Relief of citizens of Baltimore Payment for property lost in service. Indian trade and intercourse Military Peace Establishment Treasury, War, and Navy Departments.		
	IIICIIGS		111.
May 7,	Drainage of ground in Washington.	do691	401.
	Compensation to officers of Customs.		1622, 1634, 1642, 1649, 1736.
Jan. 21,1823	Punishment of piracy	do721	910.
Jan. 30,	Additional Judge in Michigan Disbursement of public money	do722	455.
1	· ·		1828, 2146,
Feb. 21,	Michigan land claims	do724	1494.
Mar. 1,	Duties on imports and tonnage		
	Settlement of public acounts		
Mar. 3,—	Appropriations for the Navy Certain post roads established	do 764	403. 685
Mar. 3,	Fulfilment of treaty with Spain	do768	610, 1227, 1420, 1658,
Mar. 3,-	Gov't of Michigan Territory	do769	445.
Mar. 3,	Fulfilment of treaty with Spain Gov't of Michigan Territory Clerks in Land Office	Vol.4,p784	432.
Jan. 22, 1624	Navy Pensions	do3	464, 543, 1013.
Apr. 9,	Navy Pensions	do18	481, 543, 1013.
May 18,	Purchasers of the public lands	do24	510, 536, 704.
May 26,	Preemption rights in Arkansas	Vol. 5,p39	508.
	Wabash and Érie canal		2058.
May 26,——	Land claims in Missouri and Ark- ansas	do52	470, 490, 523, 603, 1302, 1251, 1304, 1448, 1806, 2014.
Jan. 12,1825	Repaym [:] ts for lands erroneously sold	do80	
Mar. 3,	Drawbacks authorized Post office reorganized	do 95	462, 651.
	-		1575, 1652, 1669, 1675, 1729, 1740, 1815, 2054,
Mar. 3	Crimes against the United States	do115	1985.
Mar. 3	Crimes against the United States Sale of unserviceable ordnance	Vol. 4. p 193	863.
May.20, 1020	Lands for schools	ao 179	1083.
May 20,	Virginia military land warrants	do189	664.
May 24,	Virginia military land warrants Relief of John H. Piatt	Vol. 6, p. 314	432.
May 20,	Relief of Rebecca Blodgett	do347	511.
May 20,	Relief of G. Flaujac	do351	1268.
May 22,	Relief of A. Flournoy	do353	0U9. 617 705
May 22,	Relief of William Tharp	Val 4 - 100	U11, 100. 526 1770
Mar. 2.1897	Pay of registers and receivers Additional pay to army officers	do 997	689 903 1056 11 42 1194
1			1671, 2140.
Mar. 2,	Post Office Department	do238	1575, 1652.
Mar. 3,	Wabash and Erie canal	do239	1378.

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Jan.	25,1828	To prevent defalcations	Vol. 4, p. 246	p.757, 873, 920, 1000,100 1055, 1490, 1679.
Apr.	17.—	Land claims in Michigan	do260	616. 1494.
May	15	Revolutionary pensions	do 269	711, 855, 874
May	93	Florida land claims	do 984	2014
May	23,	Purchasers of public lands	do 286	613
May	20,	News pensions	do 988	542 1012 1101
May	24,	Navy pensionsLand claims in Missouri and Arkansas	do200	605. 704
May	94	Grants for canals in Ohio		
May	94	Revolutionary pensions	do 307	1004
May		Medical department of the navy	do 313	659, 1158, 1619, 1771
Jan.	6 1890	Land claims in Arkansas	do 300	605 681
_	0,1020	Land claims in Arkansas Medical department of the navy	40 330	650 1619
Jan.	21,	A manual due deserred manufament	do350	1207 1502
Mar.	2,	Arrears due deceased pensioners	do 259	1979
Mar.		Land claims in Alabama		
Mar.	2,	Relief of William Otis	Vol. 0, p. 390	200, 1313, 1320.
Mar.		Appropriations for public buildings.	VOI. 4, p. 302	1797
Mar.		Mineral lands and in Missouri		1/8/.
Mar.	3,	Penitentiary in the District of Co-	3. ocr	2625
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Apr.		Grants for Canals in Ohio		843.
Apr.	24,——	Relief of Widows and Orphans of		l
		Officers and men of the Hornet	Vol. 6, p, 414	743.
May	26,	Creditors of Bennet & Marté	do428	742.
May	28	Collection of duties	Vol. 4, p. 409	716, 1505.
May	29,	Solicitor of the Treasury	do414	1130, 1558.
May		Wabash and Erie Canal	do416	1336.
May	29,	Preemption rights to settlers	do420	1087, 1095, 1106, 117
M	90	Relief of S. Easton and D. Storer	Val 6 n 427	1174, 1372, 1481, 1890
May May		Land to Virginia troops		734, 813, 1030, 1129, 122
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		Revolutionary pensions		
		Transmission of public documents		
		Land claims in Missouri		
Feb.		Cultivation of the vine and olive		984, 1270.
Feb.	25,	Penitentiary in the District of Co-		1
		lumbia		
Mar.	2,	Crimes in the District of Columbia	do448	1626.
Mar.		Insolvent debtors of the United States		
Mar.	2,	Preservation of live oak	do472	826, 1633, 1694, 1737.
Mar.	2,	Grant of land to Arkansas	do473	862, 1064.
Mar.	2,	Baltimore and Ohio Railroad Co	do476	954.
Mar.		Duties on imports at Pittsburgh		
Jan.		Pre-emption rights to settlers		
Feb.	10,	Certain Navy contracts to be settled.	do605	1656.
Apr.	5,	Sale of public lands	do503	1174.
Apr.		Lands in Arkansas		
May		Washington Canal Company		
June	4,	Revolutionary pensions	do529	830, 836, 855, 874, 886, 88
	-,		, ,	1066, 1101, 1499, 171 1810.
June	15	Re-appropriations for military service	do539	
June	15,	Louisiana back lots.	do534	1190, 1247, 1268, 1894.
June	28	Louisiana back lots	do550	842, 919, 1013, 1447, 1810
July	3	Transfers of Naval appropriations	do558	1645.
July	4,	Grant of land to Arkansas	do 562	1064.
July	5,—	Virginia half-pay claims	do563	846, 994, 1677, 1678, 171 1859, 1995, 1996, 204
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(nlw 9 1839	Land claims in Missouri	Vol. 4 p. 565	n. 1377, 1448.
luly 10	Survey of the United States coast	do 570	1960 1986
uly 10,——	N confine United States Coast	J. 570	000 1100 1105
uly 10,	Navy pension fund	ao5/2	838, 1120, 1105.
ul y 14,— —	Appiopriations for military service	do580	1068.
uly 14,——	Appiopriations for military service. Duties on imports. Relief of Captain T. H. Stevens. Debtors of the United States. Remission of fines. Invalid pensioners.	do583	1215, 1273, 1505, 2091 .
ulv 14	Relief of Captain T. H. Stevens	Vol. 6, p. 518	915.
ulv 14.——	Debtors of the United States	Vol. 4, p. 595	845.
nly 14	Remission of fines	do 597	1199 1949
uly 14,	Invalid manaianess	do 500	096
uly 14,——	Dii-b	J - 609	1005 1401
Uly 14,——	Pre-emption rights		1095, 1481.
eb. 19,1833	Cultivation of the vine and olive	do611	984, 1034, 1270.
'eb. 19,	Revolutionary pensions	do612	886.
eb. 19,	Payment for property lost in service	do613	856, 916.
1ar. 2	Appropriations for the support of Go-	J	1
	vernment	do619	1080
Mar. 2,	vernment	do 690	1015 1079 1505 1510
viai. 2,——	A compromise .	uo029	1215, 1275, 1505, 1510.
viar. 2,——	Appropriations for the Army	do642	892, 1068.
viar. 2,	Improvement of the Navy Enlisted men of the Army and Marine	do646	,1737.
Aar. 2,——	Enlisted men of the Army and Marine	1	
	Corps	do647	'1 527.
Mar. 2	Land claims in Missouri	do661	1448.
Mar. 2.——	Convention with Naples	do 666	956
Mar 9	Convention with Naples	Vol 6 n 547	204 004 011
far 04 1004	Delice of Delice Trickers	voi. 0, p. 547	1700
viar. 24,1034	Relief of Philip Hickey	ao55/	1780.
May 1,	Relief of G. Flaujac	do559	1268.
une 19,	Relief of G. Flaujac Pre-emption rights to settlers	Vol. 4, p. 678	945, 1025, 1027, 1033,105 1087, 1095, 1137, 116 1172, 1174, 1372, 148 1890.
une 24	Continuation of the Cumberland road	do 680	
une 26	Creating land districts	do 686	1150
une 26.—	Relief of certain inhabitants of East	!	
Tune 30,	FloridaOrganization of the Marine Corps	Vol. 4, p. 712	1142,1194,1311, 1527,165
Tune 30,	Naval Pensions	do714	
			1832, 1886.
une 30,——	Wabash and Erie Canal	do716	1336.
une 30,1834	Claims under Creek treaty of 1821.	do721	938.
une 30,	Purchase of live oak	do724	1169.
une 30,	Indian trade and intercourse	do729	939, 1307, 1516,
une 30	Organization of Indian Department.	do735	945, 1785, 1974.
une 30	Purchase of live oak		,,,
	vations	do 740	1020
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	Grant of land to Polish exiles		
	Louisiana back lands		1268, 1894.
Mar. 3,	Appropriations for Delaware break- water, &c	do753	 1068, 1230, 1244, 1311, 155
Mar. 3,	Pay of the Navy	1	1776. 958, 1019, 1048, 1097,117 1191, 1531, 1552, 155
Mar. 3,	Baltimore and Ohio Railroad Com-		1612, 1696, 1868, 2096
Mar. 3,——	Appropriations for support of Go-	_	
	vernment	ao760	1300, 1996.
Mar. 3,	Mode of supplying the army, &c Sufferers by the fire in New York	do780	1021.
Mar. 19,1836	Sufferers by the fire in New York	Vol. 5, p. 6	1047.
Mar. 19	Payment of volunteers and militia	do 7	1056, 1334, 1345.
\~~ nn'	Chickasaw treaties of 1832 and 1834	do10	1620, 1715.
10r. 20			
Apr. 20,	Mode of paying pensions		-00=

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May 20,1836	Explanatory of act to prevent de-		
-	falcations	Vol. 5, p. 31	р. 1055.
May 23,——	Additional mounted regiment	do32	1071, 1072.
May 28,	Expenses of volunteers Depositories of public money	do33	1073, 1225.
June 23,	Depositories of public money	do52	1059, 1061, 1069, 1076 1117, 1121, 1160, 1193 1223, 1240, 1941
July 1,	Smithsonian legacy	do 64	1999.
July 1,——	Relief of Thomas F. Reddick	Vol. 6, p. 661	1232.
July 2,——	Relief of Mary O'Sullivan	do679	1110.
July 2,—— July 2,——	Relief of Thomas F. Reddick	Vol. 5 n. 65	1275, 1317, 1522.
July 2,	service	do 66	1205
July 2,——	Continuation of the Cumberland road	do71	1935.
July 2,	Confirming sales of certain lands	do73	1058, 1064, 1087,
July 2.——	To carry into effect Indian treaties.	l do 73	1879, 1974, 1243,
July 2,—— July 2,——	Appropriations for fortifications Organization of the Post Office De-	do77	1541, 1711.
	partment	do80	1257, 1283,1328,1424,1594 1597, 1669, 1729, 1815 2094.
July 4,	Reorganization of the General Land		Ì
July 4,——	Appropriations for support of Go-	do107	1056, 1977, 1382.
	vernment	do112	1187.
July 4,—— July 4,——	vernment	do117	1139. 1264, 1321, 1363, 1735 1069 9084
July 4,	Land claims in Missouri	do126	1962, 2084. 1199, 1202, 1251, 137 1448.
July 4,	Pensions to widows and orphans	do127	1063, 1066, 1067, 1098 1101, 1210, 1284, 1499
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Ton 18	dians	do135	1124.
Jan. 18, Mar. 2,	Payment for property lost in service	do 159	1410. 11990 1507
Mar. 2.——	Cultivation of the vine and olive	do154	1970.
Mar. 3,	Enlistment of Seamen. Cultivation of the vine and olive Appropriations for support of Government. Titles of naval officers.		!
-	vernment	do163	1086, 1094, 1187, 1220
Mar. 3,	Titles of naval officers	do163	1886.
Mar. 3,——	Navy pension fund	do180	1100, 1129, 1159, 1182 1215, 1256, 1627, 1654
Mar 9	Claims to Chastary resource	do 100	1707, 1709, 1832, 1966.
Mar 3	Creek treety of 1920	do 199	1256, 1769.
Mar. 3.—	Claims to Choctaw reserves	do 197	11984 1680
Mar. 3	Patents for inventions	do 101	1647, 1795.
Mar. 3,	Continuation of Cumberland road	do195	1235.
Oct. 12,	Continuation of Cumberland road Issue of Treasury notes	do201	1163, 1179, 1583.
Apr. 6,——	Appropriations for support of Go-	do212	1689.
Tuna 10	vernmentSuppression of Indian hostilities	do216	1261.
June 12, Tune 10	Suppression of Indian hostilities	do241	1254, 1334, 1879.
June 99 -	Grants of land to Wisconsin	do245	1331.
July 5,——	Patents for Creek lands	do 050	1238, 1412 1481, 1601.
July 5,	Increase of the army	do 956	1740, 1493.
July 7,	Increase of the army	236	1170, 1020, 1020
• •	officers of customs]	do264	1358, 1622, 2091.
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July 7,1838	Pensions to certain widows	Vol. 5, p. 303	p. 1210, 1217, 1499, 1528,
July 7,	Military establishment	do308	1719, 2095. 1749.
Mar. 3, 1839	Appropriations for support of Go- vernment [extra pay]	do 33 9	1248, 1259, 1279, 1282,
			1342, 1359, 1360, 1366, 1552, 1554, 1597, 1634, 1647, 1696, 1700, 1736, 1776, 1814, 1989, 2141.
Mar. 3,——	Patents for Inventions	do353	2084. 1302. 1334
Mar. 3,	Relief of John Jones and others Treasury notes Relief of Milnor and Thompson Pre-emptions to settlers Arrears due deceased pensioners	do778	1267.
Mar. 3,—	Relief of John Jones and others	Vol. 6, p. 791	1567.
Mar. 31,1840	Relief of Milnor and Thompson	Vol. 5, p. 370	1399
June 1,	Pre-emptions to settlers	Vol. 5, p. 382	1481, 1601, 1838.
June 19,	Arrears due deceased pensioners	do385	1803.
July 21,	Relief of Stephen Johnson	do815	1358, 1662.
Feb. 15,1841	Issue of Treasury notes	Vol. 5, p. 411	1583.
Feb. 27,	Wabash and Erie canal	414	2058.
	vernment	do421	1736, 1766.
Mar. 3,——	Removal and support of Indians Payment of Navy Pensions	do435	1455, 1721.
	•		1857.
-	Proceeds of lands		1515, 1566, 1738, 1795, 1838, 1939.
Sept. 11,——	Purchase of naval ordnance, &c Duties and Drawbacks	do 463	1409.
April 14,1842	War steamer for harbor defence	ldo472	11866.
April 15,	Loans and Treasury notes	do473	1564, 2135.
May 10,	Loans and Treasury notes	Vol. 6, p. 828	1502.
			2141.
July 17,——	Appropriations for Indian Departm't Value of the pound sterling	do 493	1633.
Aug. 4,—	Appropriations for naval service	do500	1672, 1682.
Aug. 4,	Appropriations for naval service Armed occupation of Florida	do502	1738.
Aug. 16,	Pensions to widows	do584	2095.
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	Claims under Choctaw treaty of 1830		1722, 1769, 1782, 1809,
Aug. 23,—	Courts of the U. S	do516	1680, 1832.
Aug. 23,	Navy pension fund	do522	1717.
Aug. 23,	Relief of C. F. Sibbald	Vol. 6, p. 864	2021, 2056.
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Aug. 26,	Pay of Pursers in the Navy	do535	1726.
Aug. 29,	Pay of Pursers in the Navy	Vol. 6, p. 869	1568.
Aug. 31,——	Re-organization of Navy Depart'nt.	voi. 5, p. 548	1589, 1711, 2000.
Aug. 31,	Re-organization of Navy Depart'nt. Issue of Treasury notes	do581	1583.
Mar. 3,1843	Appropriations for Indian Depart'nt.	do612	1633.
Mar. 3,	Re-issue of Treasury notes	do614	1583.

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